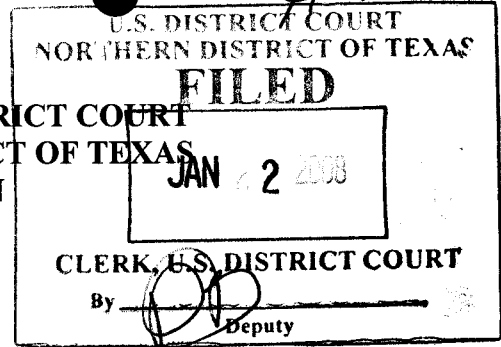


✓

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



18499

MICROSOFT CORPORATION

Plaintiff,

v.

DAUBEN, INC. d/b/a TEXAS
INTERNATIONAL PROPERTY
ASSOCIATES

Defendant.

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Civil Action No. _____

308 CV 0098-L

ORIGINAL COMPLAINT

TO THE UNITED STATES DISTRICT COURT:

Plaintiff Microsoft Corporation ("Microsoft") files this, its Original Complaint, against Dauben, Inc. d/b/a Texas International Property Associates ("Defendant"), and in support thereof would respectfully show the Court as follows:

I. JURISDICTION AND VENUE

1. This is a complaint for an injunction, damages and other appropriate relief to stop Defendant from infringing Microsoft's trade and service marks by registering Internet domain names that are identical or confusingly similar to Microsoft's trademarks and service marks, and by using those domain names in bad faith to profit from Microsoft's marks.

2. In this action, Microsoft asserts violations of the Anticybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d), and of sections 32 and 43 of the Lanham Act, 15 U.S.C. § 1114 (Trademark Infringement) and §1125(a) (False Designation of Origin, Unfair Competition/False Advertising).

3. This Court has subject matter jurisdiction over the claims pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331, 1332 and 1338.

4. This Court has personal jurisdiction over the Defendant, who resides in this district, has engaged in business activities in and directed to this district, and has committed a tortious act within this district.

5. Venue is proper in this Court pursuant to 28 U.S.C. §1391 as the defendant resides in this district, and a substantial part of the events or omissions giving rise to the claims pleaded herein occurred in this district.

II. THE PARTIES

6. Plaintiff Microsoft is a Washington corporation with its principal place of business in Redmond, Washington.

7. Defendant Dauben, Inc. d/b/a Texas International Property Associates is a Texas corporation with its principal place of business in Dallas, Texas.

8. The actions alleged herein to have been undertaken by the Defendant, were actions that the Defendant caused to occur, were actions that the Defendant authorized, controlled, directed, or had the ability to authorize, control or direct, and/or were actions in which the Defendant assisted, participated or otherwise encouraged, and are actions for which the Defendant is liable.

III. MICROSOFT'S BUSINESS AND TRADEMARKS

9. Microsoft is a world leader in the market for software and related products. Microsoft offers a wide range of products and services, including but not limited to computer software such as the Microsoft Windows operating system and Microsoft Office; computer hardware and accessories including keyboards and mice; gaming systems such as the Microsoft XBOX and Microsoft XBOX 360; and Internet service and electronic mail services such as the MSN and Windows Live Hotmail services, to name a few.

10. Microsoft owns registrations for a number of trademarks and service marks that it uses to identify its products and services in the marketplace. Among the marks owned by Microsoft are the following registered marks (collectively the “Microsoft Marks”): AGE OF EMPIRES; AGE OF MYTHOLOGY; ENCARTA; EXCEL; FORZA MOTORSPORT; HALO; HOTMAIL; MICROSOFT; MIDTOWN MADNESS; MSN; OUTLOOK; POWERPOINT; XBOX; and XBOX 360.

11. Since at least October 12, 1997, Microsoft has used in commerce the trademark “AGE OF EMPIRES” to promote game software and other related products.

12. On May 22, 1996, Microsoft applied to register the AGE OF EMPIRES mark, and on February 17, 1998, the United States Patent and Trademark Office issued Registration No. 2,457,667. The AGE OF EMPIRES trademark is also the subject of United States Trademark Registration Nos. 2,137,862, 3,006,358 and others. See Exhibit A. The AGE OF EMPIRES trademark is broadly recognized as a brand identifier for Microsoft’s game software and related products.

13. Since at least October 2002, Microsoft has used in commerce the trademark “AGE OF MYTHOLOGY” to promote game software and other related products.

14. On February 21, 2000, Microsoft applied to register the AGE OF MYTHOLOGY mark, and on March 18, 2003, the United States Patent and Trademark Office issued Registration No. 2,698,189. The AGE OF MYTHOLOGY trademark is also the subject of United States Trademark Registration No. 2,980,036 and others. See Exhibit B. The AGE OF MYTHOLOGY trademark is broadly recognized as a brand identifier for game software and other related products.

15. Since at least March 1993, Microsoft has used in commerce the trademark and service mark "ENCARTA" to promote reference data in the form of a multimedia encyclopedia.

16. On December 9, 1992, Microsoft applied to register the ENCARTA mark, and on November 22, 1995, the United States Patent and Trademark Office issued Registration No. 1,864,262. The ENCARTA trademark is also the subject of United States Trademark and Service Mark Registration Nos. 1,874,547, 1,995,180 and others. See Exhibit C. The ENCARTA trademark and service mark is broadly recognized as a brand identifier for reference data in the form of a multimedia encyclopedia.

17. Since at least September 30, 1985, Microsoft has used in commerce the trademark and service mark "EXCEL" to promote spreadsheet software and related products.

18. On April 12, 2004, Microsoft applied for the registration of the EXCEL mark, and on April 19, 2005, the United States Trademark Patent and Trademark Office issued Registration No. 2,942,050. See Exhibit D. The EXCEL trademark and service mark is broadly recognized as a brand identifier for Microsoft's spreadsheet software and related products.

19. Since at least April 2005, Microsoft has used in commerce the trademark "FORZA MOTORSPORT" to promote game software and other related products.

20. On April 9, 2004, Microsoft applied to register the FORZA MOTORSPORT mark, and on June 6, 2006, the United States Patent and Trademark Office issued Registration No. 3,101,727. The FORZA MOTORSPORTS trademark is also the subject of United States Trademark Registration No. 3,071,957 and others. See Exhibit E. The FORZA MOTORSPORT trademark is broadly recognized as a brand identifier for Microsoft's game software and other related products.

21. Since at least October 2001, Microsoft's predecessor has used in commerce the trademark "HALO" to promote game software and other related products.

22. On February 11, 1999, Microsoft's predecessor applied to register the HALO mark, and on July 23, 2002, the United States Patent and Trademark Office issued Registration No. 2,598,381. The HALO mark is also the subject of United States Trademark Registration No. 2,837,420 and others. See Exhibit F. The HALO trademark is broadly recognized as a brand identifier for Microsoft's game software and related products.

23. Since at least July 4, 1996, Microsoft's predecessor has used in commerce the service mark "HOTMAIL" to promote advertising and marketing services, including promoting the goods and services of others by placing advertisements and promotional displays in an electronic site accessed through computer networks.

24. On April 10, 1997, Microsoft's predecessor applied to register the HOTMAIL mark, and on June 16, 1998, the United States Patent and Trademark Office issued Registration No. 2,165,601. See Exhibit G. The HOTMAIL service mark is broadly recognized as a brand identifier for Microsoft's software and hardware products and for electronic communications services.

25. Since at least November 12, 1975, Microsoft has used in commerce the trademark and service mark "MICROSOFT" to promote its products and services.

26. On October 22, 1979, Microsoft's predecessor applied for the registration of the MICROSOFT mark, and on July 6, 1982, the United States Patent and Trademark Office issued Registration No. 1,200,236. The MICROSOFT trademark and service mark is also the subject of United States Trademark Registration Nos. 1,966,382, 2,250,973, 2,285,870 and others. See

Exhibit H. Microsoft's MICROSOFT trademark and service mark is broadly recognized as identifying plaintiff Microsoft and is a brand identifier for its various products and services.

27. Since at least May 7, 1999, Microsoft has used in commerce the trademark and service mark "MIDTOWN MADNESS" to promote game software and other related products and services.

28. On March 19, 1998, Microsoft applied for the registration of the MIDTOWN MADNESS mark, and on May 23, 2000, the United States Patent and Trademark Office issued Registration No. 2,352,516. The MIDTOWN MADNESS trademark and service mark is also the subject of United States Trademark Registration No. 2,835,417. See Exhibit I. Microsoft's MIDTOWN MADNESS trademark and service mark is broadly recognized as identifying game software and other related products and services.

29. Since at least March 7, 1995, Microsoft has used in commerce the trademark and service mark "MSN" to promote computer hardware and software as well as electronic communications services.

30. On April 25, 1997, Microsoft applied for the registration of the MSN mark, and on April 28, 1998, the United States Patent and Trademark Office issued Registration No. 2,153,763. The MSN trademark and service mark is also the subject of United States Trademark Registration Nos. 2,201,105, 2,418,517, 2,459,987, 2,608,310, 2,792,781 and others. See Exhibit J. The MSN trademark and service mark is broadly recognized as a brand identifier for Microsoft's software and hardware products and for electronic communications services.

31. Since at least January 1, 1997, Microsoft has used in commerce the trademark "OUTLOOK" to promote computer software and electronic communications services.

32. On February 5, 1996, Microsoft applied for the registration of the OUTLOOK mark and on September 8, 1998, the United States Patent and Trademark Office issued Registration No. 2,188,125. See Exhibit K. The OUTLOOK trademark is broadly recognized as a brand identifier for Microsoft's computer software and electronic communications services.

33. Since at least April 20, 1987, Microsoft has used in commerce the trademark and service mark "POWERPOINT" to promote computer software.

34. On June 29, 1987, Microsoft applied for the registration of the POWERPOINT mark, and on February 9, 1988, the United States Patent and Trademark Office issued Registration No. 1,475,795. See Exhibit L. The POWERPOINT trademark and service mark is broadly recognized as a brand identifier for Microsoft's computer software.

35. Since at least December 1998, Microsoft has used in commerce the trademark and service mark "XBOX" to promote television and video converters and related products, including the Xbox home entertainment system.

36. On October 18, 1999, Microsoft applied for the registration of the XBOX mark, and on November 5, 2002, the United States Patent and Trademark Office issued Registration No. 2,646,465. The XBOX trademark and service mark is also the subject of United States Trademark Registration Nos. 2,663,880, 2,698,179, 2,730,847, 2,738,849, 2,775,859, 2,776,769, 2,792,744 and others. See Exhibit M. The XBOX trademark and service mark is broadly recognized as a brand identifier for Microsoft's entertainment products.

37. Since at least November 22, 2005, Microsoft has used in commerce the trademark "XBOX 360" to promote interactive game devices.

38. On May 12, 2005, Microsoft applied for the registration of the XBOX 360 mark, and on June 12, 2007, the United States Patent and Trademark Office issued Registration No.

3,252,556. The XBOX 360 trademark is also the subject of United States Trademark Registration No. 3,300,210 and others. See Exhibit N. The XBOX 360 trademark is broadly recognized as a brand identifier for Microsoft's interactive game devices.

39. The Microsoft Marks, as well as others owned by Microsoft, are used in interstate commerce in connection with the sale, offering for sale, distribution, and advertising of Microsoft's products and services. The Microsoft Marks are distinctive and were distinctive at the time of all acts alleged herein. As a result of Microsoft's substantial investment, the Microsoft Marks have developed extensive goodwill in the market. Accordingly, the Microsoft Marks are extremely valuable to Microsoft.

IV. MICROSOFT'S INTERNET PRESENCE

40. Microsoft also maintains a substantial presence on the Internet. Via the Internet, Microsoft advertises its products and services, transacts business with its customers, offers its customers access to many of its services, and provides product support, among other things.

41. In order to provide its customers with easy access to its online products and services, Microsoft has registered a number of Internet domain names. Many of these domain names correspond to Microsoft's trademarks and service marks. Examples of such domain names are <microsoft.com>; <microsoftwindows.com>; <xbox.com>; and <msn.com>.

42. Each of these domain names, as well as others registered to Microsoft, resolves to a Microsoft-created website that provides Microsoft's customers with information related to Microsoft's products and services. These websites generate business for Microsoft and allow Microsoft to maintain relationships with its customers.

V. DEFENDANT'S UNLAWFUL ACTIONS

43. Defendant is and/or was the registrant and/or user of numerous Internet domain names that contain or consist of Microsoft's Marks and/or intentional misspellings of Microsoft's

Marks. These domain names are hereinafter referred to as the “Infringing Domain Names.” A representative, though not necessarily exhaustive, list of 86 of Defendant’s Infringing Domain Names is attached hereto as **Appendix A**.

44. The Infringing Domain Names are identical or confusingly similar to Microsoft’s Marks. The Infringing Domain Names do not resolve to websites owned or endorsed by Microsoft. Rather, upon information and belief, many of the Infringing Domain Names resolve to websites that are controlled by Defendant (collectively referred to as “Defendant’s Websites”).

45. Defendant’s Websites contain numerous advertisements for and/or hyperlinks to a variety of products and services.

46. When a person looking for a Microsoft website lands on one of Defendant’s websites, that person may click on one of the advertisements or hyperlinks on the site either because the person finds it easier to click on the advertisement or hyperlink than to continue searching for the Microsoft site, or because the person mistakenly believes Microsoft has authorized or endorsed the advertisements or hyperlinks. In either case, the person has been diverted from the Microsoft website he or she was seeking to visit, and Microsoft has lost the opportunity to interact with that person.

47. Defendant uses the Infringing Domain Names to profit from the Microsoft Marks. Upon information and belief, Defendant receives a payment when Internet users click on one or more links or advertisements on the websites of the Infringing Domain Names. Defendant receives these payments from one or more advertisers, affiliate programs, and/or search engines.

48. Defendant is not affiliated with, or sponsored by, Microsoft and has not been authorized by Plaintiff to use the Microsoft Marks. Defendant has not now or ever been authorized by Plaintiff to use or register any name or mark that includes the Microsoft Marks.

49. Defendant's registration and use of the Infringing Domain Names is to primarily capitalize on the goodwill associated with the Microsoft Marks.

50. Defendant registered the Infringing Domain Names willfully and with bad faith intent to profit from the Microsoft Marks.

COUNT I
(Cybersquatting under the Anti-Cybersquatting Consumer Protection Act –
15 U.S.C. § 1125(d))

51. Microsoft realleges and incorporates by this reference each and every allegation set forth in paragraphs 1 through 50 above.

52. The Microsoft Marks were distinctive at the time Defendant registered the Infringing Domain Names and remain distinctive today.

53. The Infringing Domain Names were identical or confusingly similar to the Microsoft Marks at the time the Defendant registered the Infringing Domain Names, and remain so today.

54. Defendant has registered and used the Infringing Domain Names with bad faith intent to profit from the Microsoft Mark

55. Defendant's registration and use of the Infringing Domain Names has caused and will continue to cause damage to Microsoft, in an amount to be proven at trial, and is causing irreparable harm to Microsoft, for which there is no adequate remedy at law. Therefore, Plaintiff is entitled to injunctive relief

56. Microsoft is entitled to recover Defendant's profits, actual damages and costs in an amount to be proven at trial or statutory damages of up to \$100,000 per domain name, treble damages, attorneys' fees and transfer of the Infringing Domain Names to Microsoft.

COUNT II
(Trademark Infringement Under the Lanham Act- 15 U.S.C. § 1114)

57. Microsoft realleges and incorporates by this reference each and every allegation set forth in paragraphs 1 through 56 above.

58. Defendant's wrongful and unauthorized use of the Microsoft Marks and counterfeits of the Microsoft Marks to promote, market, or sell products and services constitutes trademark infringement pursuant to 15 U.S.C. § 1114.

59. Defendant's intentional and willful infringement of the Microsoft Marks has caused, and will continue to cause damage to Microsoft, in an amount to be proven at trial, and is causing irreparable harm to Microsoft for which there is no adequate remedy at law

60. Microsoft is further entitled to recover damages and to recover its other costs herein. Microsoft is also entitled to injunctive relief against Defendant.

61. Microsoft is further entitled to recover statutory damages, treble damages and attorneys' fees.

COUNT III
(False Designation of Origin Under the Lanham Act - 15 U.S.C. § 1125(a))

62. Microsoft realleges and incorporates by this reference each and every allegation set forth in paragraphs 1 through 61 above.

63. The Microsoft Marks are distinctive marks that are associated with Microsoft and exclusively identify Microsoft's business, products, and services.

64. Defendant has used, and continues to use the Microsoft Marks in connection with goods or services, in commerce, in a manner that is likely to cause confusion, mistake, or deception as to the origin, sponsorship, or approval of such goods or services.

65. Microsoft has been damaged by these acts in an amount to be proven at trial.

Microsoft is also entitled to injunctive and equitable relief against Defendant.

COUNT IV

(Unfair Competition/False Advertising Under the Lanham Act - 15 U.S.C. § 1125(a))

66. Microsoft realleges and incorporates by this reference each and every allegation set forth in paragraphs 1 through 65 above.

67. Defendant has used and continues to use the Microsoft Marks in connection with goods or services and false and misleading descriptions or representations of fact in commercial advertising or promotion, thereby misrepresenting the nature, characteristics, and qualities of its or another person's goods, services, or commercial activities.

68. Microsoft has been damaged by these acts in an amount to be proven at trial.

Microsoft is also entitled to injunctive and equitable relief against Defendant.

PRAYER FOR RELIEF

WHEREFORE, Microsoft respectfully requests that the Court enter judgment against Defendant as follows:

1. That the Court issue temporary and permanent injunctive relief against Defendant, and that Defendant, its officers, agents, representatives, servants, employees, attorneys, successors and assignees, and all others in active concert or participation with Defendant, be enjoined and restrained from:

- a) infringing Microsoft's trademarks and service marks;
- b) registering, using or trafficking any domain names that are identical or confusingly similar to the Microsoft Marks, including but not limited to domain names containing the Microsoft Marks and domain names containing misspellings of the Microsoft Marks;

c) assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in subparagraphs a) through b) above.

2. That the Court order the forfeiture or cancellation of the Infringing Domain Names or the transfer of the Infringing Domain Names to Microsoft;

3. That the Court award Microsoft actual damages, liquidated damages, treble damages and statutory damages, in amount to be proven at trial;

4. That the Court award Microsoft its attorneys' fees and costs incurred herein; and

5. That the Court grant Microsoft all other relief to which it is entitled and such other or additional relief as is just and proper.

DATED this 22nd day of January, 2008.

Respectfully submitted,

**KIRKPATRICK & LOCKHART
PRESTON GATES ELLIS LLP**

BY: 

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State Bar No. 00798422
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Dallas, Texas 75201
214.939.5500
214.939.5849 (Fax)

**ATTORNEYS FOR PLAINTIFF
MICROSOFT CORPORATION**

Appendix A – Defendant’s Infringing Domain Names

ageofempirecommunity.com
ageofmatology.com
ageofmythology.com
alxbox.com
buyxbox306.com
cheatsforsanandreasonxbox.com
downloadexcel.com
encarteia.com
excel-soft.com
financemsn.com
fixxbox.com
forzamotersports.com
forzamosport.net
freegamesonmsn.com
freexboxstuff.com
gamesofxbox.com
gta-xbox.com
halo1and2cheats.com
halo2moders.com
halo2rap.com
halo2savesaver.com
halo2screenshots.com
halo2softmods.com
halo911.com
halocombat.com
halofansite.com
haloforpc.com
halofreak.com
halo-glitches.com
haloteams.com
halothevideogame.com
halovideogames.com
hotmafil.com
hotmagil.com
hotmaiaal.com
hotmajj.com
hotmayail.com
hotmiaol.com
howtoxbox.com
hptmailmsn.com
ingxbox.com
kexbox.com
lyricxbox.com
lyrixbox.com

mailhotm.com
makemsnmyhomepage.com
mcirsoft.com
miceosoftword.com
mickersoftword.com
micrasoftoffice.com
micriosoftware.com
microfostelearning.com
microscopword.com
microsftonline.com
midtownmadess2.com
midtownmadnes2.com
midtownmadness1.com
mnsgruops.com
mnsmessenger.com
mocrosoftoffice.com
mocrosoftword.com
mrexcell.com
msndownload.com
myexbox.com
mytoxbox.com
officailxboxmagazine.com
officialxboxmagzine.com
otlookexpress.com
outlookeexpress.com
outlookexpress2000.com
outlookexpresse-mail.com
outlookexspess.com
outlookwebacess.com
outlookwxpress.com
oxboxhay.com
playfreexboxgames.com
pornxxbox.com
powerpoint97.com
powerpointreader.com
powerpont.com
reamxbox.com
shotmial.com
the-magixbox.com
uotlookexpress.com
upgardemsn.com
upgradeatmsn.com



EXHIBIT A

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, and 50

Reg. No. 2,457,667

United States Patent and Trademark Office

Registered June 5, 2001

**TRADEMARK
PRINCIPAL REGISTER**

AGE OF EMPIRES

MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FIRST USE 10-0-1997; IN COMMERCE 10-0-1997.

OWNER OF U.S. REG. NO. 2,137,862.

FOR: BOOKS, INSTRUCTION MANUALS, USER
GUIDES AND REFERENCE GUIDES ALL ION THE
FIELD OF COMPUTERS, COMPUTER NETWORKS
AND GLOBAL COMMUNICATION NETWORKS,
COMPUTER PROGRAMS AND RELATED TOPICS,
IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

SN 75-432,063, FILED 2-10-1998.

BRETT TOLPIN, EXAMINING ATTORNEY

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38, and 50

Reg. No. 2,137,862

United States Patent and Trademark Office

Registered Feb. 17, 1998

**TRADEMARK
PRINCIPAL REGISTER**

AGE OF EMPIRES

MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980525399

FIRST USE 10-12-1997; IN COMMERCE
10-12-1997.

SN 75-108,153, FILED 5-22-1996.

FOR: COMPUTER PROGRAMS, NAMELY,
GAME SOFTWARE, IN CLASS 28 (U.S. CLS. 22,
23, 38 AND 50).

SCHUYLA GOODSON, EXAMINING ATTOR-
NEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 3,006,358

Registered Oct. 11, 2005

**TRADEMARK
PRINCIPAL REGISTER**

AGE OF EMPIRES

MICROSOFT CORPORATION (WASHINGTON CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FIRST USE 10-12-1997; IN COMMERCE 10-12-1997.

OWNER OF U.S. REG. NOS. 2,137,862, 2,427,249,
AND 2,457,667.

FOR: COMPUTER PROGRAMS, NAMELY, GAME SOFTWARE FOR USE ON COMPUTERS AND VIDEO GAME PLAYERS; PRERECORDED CDS AND DVDS FEATURING SOUND AND VIDEO IN THE FIELDS OF MUSIC, LIVE ACTION PROGRAMS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

SN 78-172,342, FILED 10-8-2002.

GINA HAYES, EXAMINING ATTORNEY



EXHIBIT B

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,698,189

United States Patent and Trademark Office

Registered Mar. 18, 2003

**TRADEMARK
PRINCIPAL REGISTER**

AGE OF MYTHOLOGY

**MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 98052**

FIRST USE 10-31-2002; IN COMMERCE 10-31-2002.

SN 75-940,282, FILED 2-21-2000.

**FOR: COMPUTER PROGRAMS, NAMELY GAME
SOFTWARE FOR USE ON COMPUTERS AND VI-
DEO GAME PLAYERS, IN CLASS 9 (U.S. CLS. 21, 23,
26, 36 AND 38).**

JAMES A. RAUEN, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 2,980,036
Registered July 26, 2005

**TRADEMARK
PRINCIPAL REGISTER**

AGE OF MYTHOLOGY

MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

SOUND IN THE FIELD OF MUSIC, IN CLASS 9 (U.S.
CLS. 21, 23, 26, 36 AND 38).

FIRST USE 10-22-2002; IN COMMERCE 10-22-2002.

FOR: COMPUTER PROGRAMS, NAMELY,
GAME SOFTWARE FOR USE ON COMPUTERS
AND VIDEO GAME PLAYERS; CD'S FEATURING

SN 78-975,991, FILED 10-8-2002.

GINA HAYES, EXAMINING ATTORNEY



EXHIBIT C

Int. Cl.: 16

Prior U.S. Cl.: 38

United States Patent and Trademark Office

Reg. No. 1,864,262

Registered Nov. 22, 1994

**TRADEMARK
PRINCIPAL REGISTER**

ENCARTA

**MICROSOFT CORPORATION (DELAWARE
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399**

**FIRST USE 3-0-1993; IN COMMERCE
3-0-1993.**

SN 74-338,465, FILED 12-9-1992.

**FOR: INSTRUCTION MANUALS, USER
GUIDES AND REFERENCE GUIDES FOR A
MULTI-MEDIA ENCYCLOPEDIA ON A VARI-
ETY OF SUBJECTS, IN CLASS 16 (U.S. CL. 38).**

**CHRISTOPHER KELLY, EXAMINING ATTOR-
NEY**

Int. Cl.: 9

Prior U.S. Cl.: 38

United States Patent and Trademark Office Reg. No. 1,874,547
Registered Jan. 17, 1995

**TRADEMARK
PRINCIPAL REGISTER**

ENCARTA

MICROSOFT CORPORATION (DELAWARE
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FOR: COMPUTER PROGRAM AND GENERAL
REFERENCE DATA IN THE FORM OF A
MULTI-MEDIA ENCYCLOPEDIA ON A VARI-

ETY OF SUBJECTS, STORED ON A COMPACT
DISC, IN CLASS 9 (U.S. CL. 38).
FIRST USE 3-0-1993; IN COMMERCE
3-0-1993.

SN 74-338,460, FILED 12-9-1992.

CHRISTOPHER KELLY, EXAMINING ATTOR-
NEY

Int. Cl.: 41

Prior U.S. Cls.: 100, 101 and 107

United States Patent and Trademark Office

Reg. No. 1,995,180

Registered Aug. 20, 1996

**SERVICE MARK
PRINCIPAL REGISTER**

ENCARTA

MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FOR: ON-LINE INFORMATION SERVICES,
NAMELY PROVIDING REFERENCE AND EN-
CYCLOPEDIA DATA IN ELECTRONIC FORM,
IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 5-26-1995; IN COMMERCE
5-26-1995.

OWNER OF U.S. REG. NOS. 1,864,262 AND
1,874,547.

SER. NO. 74-698,189, FILED 7-7-1995.

ANNE MADDEN, EXAMINING ATTORNEY



EXHIBIT D

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 2,942,050
Registered Apr. 19, 2005

TRADEMARK
PRINCIPAL REGISTER

EXCEL

MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FOR: COMPUTER SOFTWARE, NAMELY,
SPREADSHEET SOFTWARE; AND COMPUTER
PROGRAMS FOR CREATING CHARTS AND
GRAPHS FROM ELECTRONIC SPREADSHEETS,
IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 9-30-1985; IN COMMERCE 9-30-1985.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-400,429, FILED 4-12-2004.

WON TEAK OH, EXAMINING ATTORNEY



EXHIBIT E

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 3,101,727
Registered June 6, 2006

**TRADEMARK
PRINCIPAL REGISTER**

FORZA MOTORSPORT

MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FOR: COMPUTER PROGRAMS, NAMELY,
GAME SOFTWARE FOR USE ON COMPUTERS
AND VIDEO GAME PLAYERS; PRERECORDED
DVDS FEATURING SOUND AND VIDEO IN THE
FIELDS OF LIVE ACTION PROGRAMS AND MO-
TION PICTURES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36
AND 38).

FIRST USE 4-0-2005; IN COMMERCE 4-0-2005.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "MOTORSPORT", APART FROM
THE MARK AS SHOWN.

THE FOREIGN WORDING IN THE MARK
TRANSLATES INTO ENGLISH AS FORCE.

SN 78-399,736, FILED 4-9-2004.

MARY CRAWFORD, EXAMINING ATTORNEY

Int. Cl.: 41

Prior U.S. Cls.: 100, 101, and 107

United States Patent and Trademark Office

Reg. No. 3,071,957

Registered Mar. 21, 2006

**SERVICE MARK
PRINCIPAL REGISTER**

FORZA MOTORSPORT

MICROSOFT CORPORATION (WASHINGTON CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FOR: PROVIDING A WEB SITE FEATURING INFORMATION IN THE FIELD OF COMPUTER GAMES; GAMES AND HOME ENTERTAINMENT; PROVIDING INFORMATION ON-LINE RELATING TO COMPUTER GAMES AND COMPUTER ENHANCEMENTS FOR GAMES; AND ENTERTAINMENT SERVICES, NAMELY, PROVIDING AN ON-LINE COMPUTER GAME, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 5-5-2005; IN COMMERCE 5-5-2005.

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

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MOTORSPORT", APART FROM THE MARK AS SHOWN.

THE FOREIGN WORDING IN THE MARK TRANSLATES INTO ENGLISH AS FORCE.

SN 78-399,739, FILED 4-9-2004.

BARNEY CHARLON, EXAMINING ATTORNEY



EXHIBIT F

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 2,598,381

Registered July 23, 2002

TRADEMARK
PRINCIPAL REGISTER

HALO

MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 98052 BY MERGER BUNGIE SOFT-
WARE PRODUCTS CORPORATION (ILLINOIS
CORPORATION) CHICAGO, IL 60610

FIRST USE 11-15-2001; IN COMMERCE 11-15-2001.

SN 75-638,523. FILED 2-11-1999.

FOR: COMPUTER GAME SOFTWARE, IN CLASS
9 (U.S. CLS. 21, 23, 26, 36 AND 38).

CHARLES JOYNER, EXAMINING ATTORNEY

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, and 50

United States Patent and Trademark Office

Reg. No. 2,837,420
Registered Apr. 27, 2004

**TRADEMARK
PRINCIPAL REGISTER**

HALO

MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FIRST USE 10-0-2001; IN COMMERCE 10-0-2001.

FOR: PUBLICATIONS, NAMELY, A SERIES OF
FICTION BOOKS, STRATEGY GUIDES ALL IN THE
FIELD OF SCIENCE FICTION, GAMES AND EN-
TERTAINMENT, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23,
29, 37, 38 AND 50).

SN 78-975,182, FILED 3-27-2001.

ANDREA K. NADELMAN, EXAMINING ATTOR-
NEY



EXHIBIT G

Int. Cls.: 35 and 38

Prior U.S. Cls.: 100, 101, 102 and 104

Reg. No. 2,165,601

United States Patent and Trademark Office

Registered June 16, 1998

**SERVICE MARK
PRINCIPAL REGISTER**

HOTMAIL

HOTMAIL CORPORATION (CALIFORNIA CORPORATION)
1290 OAKMEAD PARKWAY, SUITE 211
SUNNYVALE, CA 94086

FOR: ADVERTISING AND MARKETING SERVICES, NAMELY, PROMOTING THE GOODS AND SERVICES OF OTHERS BY PLACING ADVERTISEMENTS AND PROMOTIONAL DISPLAYS IN AN ELECTRONIC SITE ACCESSED THROUGH COMPUTER NETWORKS AND BY DELIVERING ADVERTISEMENTS AND PROMOTIONAL MATERIALS TO

OTHERS VIA ELECTRONIC MAIL, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 7-4-1996; IN COMMERCE 7-4-1996.

FOR: ELECTRONIC MAIL SERVICES, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 7-4-1996; IN COMMERCE 7-4-1996.

SER. NO. 75-272,783, FILED 4-10-1997.

EDWARD NELSON, EXAMINING ATTORNEY



EXHIBIT H

Certificate of Correction

Registered July 6, 1982

Registration No. 1,200,236

Microsoft Corporation, by change of name and assignment from Microsoft

It is hereby certified that the above identified registration is in error requiring correction as follows:

In the statement, column 1, before line 1, *Microsoft Corporation (Washington corporation), 10700 Northup Way, Bellevue, Wash. 98004, by change of name and assignment from* should be inserted.

The said registration should be read as corrected above.

Signed and sealed this 3rd day of April 1984.

[SEAL]

Attest:

MICHAEL J. HYNAK,
Attesting Officer.

GERALD J. MOSSINGHOFF,
Commissioner of Patents and Trademarks.

Int. Cls.: 9 and 42

Prior U.S. Cls.: 26, 38 and 101

United States Patent and Trademark Office

Reg. No. 1,200,236
Registered Jul. 6, 1982

TRADEMARK
SERVICE MARK
Principal Register

MICROSOFT

Microsoft (partnership)
Suite 819
10800 NE. 8th
Bellevue, Wash. 98004

For: COMPUTER PROGRAMS, in CLASS 9
(U.S. Cls. 26 and 38).
First use Nov. 12, 1975; in commerce Nov. 12,
1975.

For: COMPUTER PROGRAMMING SER-

VICES, in CLASS 42 (U.S. Cl. 101)

First use Nov. 12, 1975; in commerce Nov. 12,
1975

Ser. No. 236,080, filed Oct. 22, 1979.

B. H. VERTIZ, Primary Examiner

CHERYL LYNNE HENDERSON, Examiner

Int. Cl.: 38

Prior U.S. Cls.: 100, 101 and 104

United States Patent and Trademark Office

Reg. No. 1,966,382
Registered Apr. 9, 1996

**SERVICE MARK
PRINCIPAL REGISTER**

MICROSOFT

**MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399**

**FOR: TELECOMMUNICATIONS SERVICES,
NAMELY THE RECEIPT AND DELIVERY OF
MESSAGES; DOCUMENTS AND OTHER DATA
BY ELECTRONIC TRANSMISSION, IN CLASS
38 (U.S. CLS. 100, 101 AND 104).**

**FIRST USE 3-24-1987; IN COMMERCE
3-24-1987.**

**OWNER OF U.S. REG. NOS. 1,200,236, 1,731,160
AND OTHERS.**

SER. NO. 74-590,997, FILED 10-26-1994.

PAUL KRUSE, EXAMINING ATTORNEY

Int. Cl.: 38

Prior U.S. Cls.: 100, 101 and 104

Reg. No. 2,250,973

United States Patent and Trademark Office

Registered June 8, 1999

**SERVICE MARK
PRINCIPAL REGISTER**

MICROSOFT

**MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399**

**FOR: TELECOMMUNICATION SERVICES,
NAMELY, THE RECEIPT AND DELIVERY OF
MESSAGES, DOCUMENTS, IMAGES AND
OTHER DATA BY ELECTRONIC TRANSMIS-
SION; ELECTRONIC MAIL SERVICES; PRO-
VIDING BULLETIN BOARD SERVICES AND**

**CHAT SERVICES BY MEANS OF GLOBAL
COMMUNICATION NETWORKS, IN CLASS 38
(U.S. CLS. 100, 101 AND 104).**

**FIRST USE 3-7-1995; IN COMMERCE
3-7-1995.**

**OWNER OF U.S. REG. NOS. 1,200,236, 1,673,353
AND OTHERS.**

SER. NO. 75-358,289, FILED 9-17-1997.

G. T. GLYNN, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 2,285,870

Registered Oct. 12, 1999

**TRADEMARK
PRINCIPAL REGISTER**

MICROSOFT

MICROSOFT CORPORATION (WASHINGTON CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FOR: COMPUTER PROGRAMS FOR USE IN AUTOMOBILES, NAMELY, COMPUTER PROGRAMS FOR MONITORING AUTOMOBILE PERFORMANCE, FOR MAPPING AND NAVIGATION, FOR ELECTRONIC MAIL AND WIRELESS COMMUNICATION, FOR MAINTAINING PERSONAL DIRECTORIES, CONTACT LISTS, ADDRESS AND TELEPHONE NUMBER LISTS; OPERATING SYSTEM PROGRAMS AND UTILITIES; COMPUTER PROGRAMS FOR USE IN THE DEVELOPMENT OF OTHER PROGRAMS FOR USE IN AUTOMOBILE COMPUTERS; AND COMPUTER PROGRAMS FOR PROVIDING ENTERTAINMENT, TRAFFIC INFORMATION, NEWS AND OTHER INFORMATION; COMPUTER PROGRAMS FOR WALLET-SIZED PERSONAL COMPUTERS, NAMELY, PERSONAL INFORMATION MANAGER PROGRAMS WITH CALENDARS, CONTACT INFORMATION FILES AND TO DO LISTS; NOTE TAKING PROGRAMS; PROGRAMS FOR FACILITATING VOICE, TEXT AND PEN INPUT; ELECTRONIC MAIL PROGRAM; ACCESS PROGRAMS FOR GLOBAL COMMUNICATION NETWORKS; PROGRAMS

FOR WIRELESS COMMUNICATIONS; OPERATING SYSTEM PROGRAMS AND UTILITIES; COMPUTER PROGRAMS FOR USE IN DEVELOPING OTHER PROGRAMS FOR USE ON WALLET-SIZED PERSONAL COMPUTERS; COMPUTER PROGRAMS FOR USE WITH PHONES AND PAGERS; COMPUTER PROGRAMS FOR ACCESSING GLOBAL COMMUNICATION NETWORKS AND DISPLAYING CONTENT THEREFROM; COMPUTER PROGRAMS FOR ELECTRONIC PAGERS AND ELECTRONIC PAGER MODULES, NAMELY, OPERATING SYSTEM PROGRAMS AND UTILITIES; COMPUTER PROGRAMS FOR PROVIDING PAGING AND WIRELESS COMMUNICATION FUNCTIONS; COMPUTER PROGRAMS FOR USE WITH HAND-HELD COMPUTERS, NAMELY, OPERATING SYSTEM AND UTILITY PROGRAMS; A FULL LINE OF BUSINESS APPLICATION PROGRAMS FOR USE WITH HAND-HELD COMPUTERS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 6-0-1980; IN COMMERCE 12-0-1981.

OWNER OF U.S. REG. NOS. 1,966,382, 2,042,216, AND OTHERS.

SN 75-180,620, FILED 10-10-1996.

HENRY S. ZAK, EXAMINING ATTORNEY



EXHIBIT I

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,352,516

United States Patent and Trademark Office

Registered May 23, 2000

**TRADEMARK
PRINCIPAL REGISTER**

MIDTOWN MADNESS

MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FOR: COMPUTER PROGRAMS, NAMELY, GAME
SOFTWARE FOR USE ON COMPUTERS AND VIDEO

GAME PLAYERS, IN CLASS 9 (U.S. CLS. 21, 23,
26, 36 AND 38).

FIRST USE 5-7-1999; IN COMMERCE 5-7-1999.

SN 75-453,417, FILED 3-19-1998.

KIMBERLY KREHELY, EXAMINING ATTORNEY

Int. Cl.: 41

Prior U.S. Cls.: 100, 101, and 107

United States Patent and Trademark Office

Reg. No. 2,835,417

Registered Apr. 20, 2004

**SERVICE MARK
PRINCIPAL REGISTER**

MIDTOWN MADNESS

MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

AN ON-LINE COMPUTER GAME, IN CLASS 41
(U.S. CLS. 100, 101 AND 107).

FIRST USE 6-0-2003; IN COMMERCE 6-0-2003.

FOR: PROVIDING INFORMATION ON-LINE RE-
LATING TO COMPUTER GAMES AND COMPUTER
ENHANCEMENTS FOR GAMES; AND ENTER-
TAINMENT SERVICES, NAMELY, PROVIDING

SN 78-157,971, FILED 8-26-2002.

GEOFFREY FOSDICK, EXAMINING ATTORNEY



EXHIBIT J

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 2,153,763

United States Patent and Trademark Office

Registered Apr. 28, 1998

**TRADEMARK
PRINCIPAL REGISTER**

MSN

MICROSOFT CORPORATION (WASHINGTON CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FOR: COMPUTER PROGRAMS FOR TRANSMITTING AND RECEIVING ELECTRONIC MAIL, TEXT GRAPHICS, AUDIO, VIDEO AND OTHER DATA FROM A REMOTE COMPUTER NETWORK AND FOR ACCESSING GLOBAL COMMUNICATIONS NETWORKS; COMPUTER PROGRAMS FOR ACCESSING INTERACTIVE GAMES AND ON-LINE SHOPPING SERVICES; COMPUTER PROGRAMS FOR ACCESSING INFORMATION IN A WIDE VARIETY OF

FIELDS INCLUDING NEWS, ENTERTAINMENT, MUSIC, TRAVEL, INVESTMENTS, SPORTS, COMPUTERS, PARENTING, AND GENERAL REFERENCE INFORMATION, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 3-7-1995; IN COMMERCE 3-7-1995.

OWNER OF U.S. REG. NOS. 2,014,296, 2,043,002, AND 2,043,004.

SER. NO. 75-280,954, FILED 4-25-1997.

SCHUYLA GOODSON, EXAMINING ATTORNEY

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

Reg. No. 2,201,105

United States Patent and Trademark Office

Registered Nov. 3, 1998

**SERVICE MARK
PRINCIPAL REGISTER**

MSN

**MICROSOFT CORPORATION (WASHINGTON CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399**

FOR: PROVIDING INFORMATION IN A WIDE VARIETY OF NON-MUSIC RELATED FIELDS OVER COMPUTER NETWORKS AND GLOBAL COMMUNICATION NETWORKS; PROVIDING GENERAL REFERENCE INFORMATION OVER COMPUTER NETWORKS AND GLOBAL COMMUNICATION NETWORKS; PROVIDING INFORMATION CONCERNING PARENTING AND CHILDREN'S HEALTH, NUTRITION, AND WELL BEING OVER COMPUTER NETWORKS AND GLOBAL COMMUNICATION NETWORKS; PROVIDING INFORMATION CONCERNING COMPUTERS AND COMPUTER SOFTWARE OVER COMPUTER NET-

WORKS AND GLOBAL COMMUNICATION NETWORKS; PROVIDING ACCESS TO COMPUTER DATA BASES AND WEB SITES OF OTHERS IN VARIOUS FIELDS BY MEANS OF A GLOBAL COMMUNICATIONS NETWORK; PROVIDING BULLETIN BOARD SERVICES AND CHAT SERVICES BY MEANS OF GLOBAL COMMUNICATION NETWORKS; ELECTRONIC MAIL SERVICES, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 3-7-1995; IN COMMERCE 3-7-1995.

OWNER OF U.S. REG. NOS. 2,014,296, 2,043,002, AND 2,043,004.

SER. NO. 75-280,961, FILED 4-25-1997.

KATHERINE STOIDES, EXAMINING ATTORNEY

Int. Cl.: 41

Prior U.S. Cls.: 100, 101 and 107

Reg. No. 2,418,517

United States Patent and Trademark Office

Registered Jan. 9, 2001

**SERVICE MARK
PRINCIPAL REGISTER**

MSN

MICROSOFT CORPORATION (WASHINGTON CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FIRST USE 3-7-1995; IN COMMERCE 3-7-1995.
OWNER OF U.S. REG. NOS. 2,014,296, 2,043,002,
AND 2,043,004.

FOR: PROVIDING INFORMATION IN THE FIELDS
OF MOVIES AND SPORTS VIA A GLOBAL COMPUTER
NETWORK, IN CLASS 41 (U.S. CLS. 100,
101 AND 107).

SER. NO. 75-280,974, FILED 4-25-1997.

KATHERINE STOIDES, EXAMINING ATTORNEY

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, and 50

Reg. No. 2,459,987

United States Patent and Trademark Office

Registered June 12, 2001

**TRADEMARK
PRINCIPAL REGISTER**

MSN

**MICROSOFT CORPORATION (WASHINGTON CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399**

FIELD OF COMPUTERS, COMPUTER NETWORKS AND GLOBAL COMMUNICATION NETWORKS, COMPUTER PROGRAMS AND RELATED TOPICS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FOR: PENS, PENCILS, MARKERS, STATIONERY, STATIONARY-TYPE PORTFOLIOS, CLIPBOARDS, DESK SETS, MOUNTED AND UNMOUNTED PHOTOGRAPHS, POSTERS, MAGNETIC BOARDS, MEMO PADS, BINDERS, , PAPERWEIGHTS, PAPER COASTERS, CALENDARS, NOTEBOOKS, BOOK COVERS, STICKER BOOKS, AND GREETING CARDS; NEWSLETTERS, PAMPHLETS, MAGAZINES, BOOKS, INSTRUCTION MANUALS, USER GUIDES AND REFERENCE GUIDES ALL IN THE

FIRST USE 8-24-1995; IN COMMERCE 8-24-1995.

OWNER OF U.S. REG. NOS. 2,043,002, 2,128,057, AND OTHERS.

SN 75-432,067, FILED 2-10-1998.

BRETT TOLPIN, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,608,310

United States Patent and Trademark Office

Registered Aug. 13, 2002

**TRADEMARK
PRINCIPAL REGISTER**

MSN

MICROSOFT CORPORATION (WASHINGTON CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FOR: COMPUTER HARDWARE AND PERIPHERALS, NAMELY, INTERFACE DEVICES FOR ACCESSING GLOBAL COMPUTER NETWORKS, COMPUTER SOFTWARE PROGRAMS FOR VIDEO EDITING; COMPUTER OPERATING SYSTEM SOFTWARE FOR REAL-TIME VIDEO GAMES; COMPUTER SOFTWARE PROGRAMS FOR ACCESSING GLOBAL COMPUTER NETWORKS; COMPUTER SOFTWARE PROGRAMS FOR ELECTRONIC ON-LINE BROWSING; COMPUTER GRAPHICAL UTILITIES PROGRAMS; COMPUTER SOFTWARE

PROGRAMS FOR VIDEO IMAGE COMPRESSION AND DECOMPRESSION; COMPUTER SOFTWARE PROGRAMS FOR WORD TEXT EDITING; AND COMPUTER SOFTWARE PROGRAMS FOR TEXT MANAGEMENT, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 4-30-2000; IN COMMERCE 4-30-2000.

OWNER OF U.S. REG. NOS. 2,014,296, 2,153,763, AND OTHERS.

SN 78-053,531, FILED 3-16-2001.

RON FAIRBANKS, EXAMINING ATTORNEY

Int. Cl.: 38

Prior U.S. Cls.: 100, 101, and 104

United States Patent and Trademark Office

Reg. No. 2,792,781

Registered Dec. 9, 2003

**SERVICE MARK
PRINCIPAL REGISTER**

MSN

MICROSOFT CORPORATION (WASHINGTON CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FOR: COMPUTER COMMUNICATION SERVICES OFFERED TO TELEVISION VIEWERS, NAMELY, PROVIDING MULTIPLE-USER ACCESS TO A GLOBAL COMPUTER INFORMATION NETWORK; ELECTRONIC MAIL SERVICES; WEB MESSAGING; PROVIDING CHAT ROOMS FOR THE TRANSMISSION OF MESSAGES AMONG INTERNET USERS CONCERNING TOPICS OF GENERAL INTEREST, TELEVISION PROGRAMMING AND RELATED TOPICS, ENTERTAINMENT, SPORTS AND NEWS; ELECTRONIC ON-LINE SERVICES PROVIDING A

COMMUNICATIONS LINK TO GLOBAL INTERACTIVE NETWORKS FOR THE TRANSFER AND TRANSMISSION OF MESSAGES, DOCUMENTS, IMAGES, MUSIC, GAMES AND DATA, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 3-7-1995; IN COMMERCE 3-7-1995.

OWNER OF U.S. REG. NOS. 2,014,296, 2,153,763, AND OTHERS.

SN 78-053,534, FILED 3-16-2001.

RON FAIRBANKS, EXAMINING ATTORNEY



EXHIBIT K

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,188,125

United States Patent and Trademark Office

Registered Sep. 8, 1998

**TRADEMARK
PRINCIPAL REGISTER**

OUTLOOK

MICROSOFT CORPORATION (WASHINGTON CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FOR: COMPUTER PROGRAMS FOR PROVIDING ENHANCED ELECTRONIC MAIL AND SCHEDULING CAPABILITIES, FOR USE BY INDIVIDUAL COMPUTER USERS, NAMELY, COMPUTER PROGRAMS FOR MANAGING, VIEWING, AND EDITING FILES, DOCUMENTS, ELECTRONIC MAIL MESSAGES AND PRIVATE NETWORK AND GLOBAL COMPUTER NETWORK COMMUNICATIONS; COMPUTER PROGRAMS FOR MEETING AND EVENT SCHEDULING, MANAGING GROUP CALENDARS, TASK DELEGATION AND REPORTING, RECORDING

NOTES, TRANSFERRING DATA TO AND FROM DATA BASES AND TO AND FROM COMPUTER PROGRAMS AND COMPUTER FILES; ADDRESS BOOK PROGRAMS, TELEPHONE DIALING PROGRAMS, PROGRAMS FOR CORRECTING TYPOGRAPHICAL AND CAPITALIZATION ERRORS, PROGRAMS FOR TALLYING VOTING RESPONSES; AND INSTRUCTION MANUALS THEREFOR SOLD AS A UNIT, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-1-1997; IN COMMERCE 1-1-1997.

SN 75-053,439, FILED 2-5-1996.

FRANCES G. SMITH, EXAMINING ATTORNEY



EXHIBIT L

Int. Cl.: 9

Prior U.S. Cl.: 38

United States Patent and Trademark Office

Reg. No. 1,475,795

Registered Feb. 9, 1988

**TRADEMARK
PRINCIPAL REGISTER**

POWERPOINT

FORETHOUGHT, INC. (CALIFORNIA CORPORATION)
250 SOBRANTE WAY
SUNNYVALE, CA 94086

FIRST USE 4-20-1987; IN COMMERCE
4-20-1987.

SER. NO. 669,735, FILED 6-29-1987.

FOR: PRERECORDED COMPUTER PROGRAMS RECORDED ON MAGNETIC DISKS, IN CLASS 9 (U.S. CL. 38).

JODY HALLER DRAKE, EXAMINING ATTORNEY



EXHIBIT M

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 2,646,465

Registered Nov. 5, 2002

**TRADEMARK
PRINCIPAL REGISTER**

XBOX

MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
LEGAL DEPARTMENT
ONE MICROSOFT WAY
REDMOND, WA 980526399

FOR USE WITH THE ABOVE REFERENCED MA-
CHINES; USER MANUALS THEREFOR SOLD AS A
UNIT THEREWITH, IN CLASS 9 (U.S. CLS. 21, 23, 26,
36 AND 38).

FOR: VIDEO GAME PLAYER MACHINES FOR
USE WITH TELEVISIONS AND COMPUTERS; COM-
PUTER AND VIDEO GAME CONTROLLERS; COM-
PUTER SOFTWARE FOR PLAYING COMPUTER
AND VIDEO GAMES; OPERATING SYSTEM SOFT-
WARE PROGRAMS AND UTILITY PROGRAMS

FIRST USE 11-21-2001; IN COMMERCE 11-21-2001.

SN 75-981,476, FILED 10-18-1999.

LYNN A. LUTHEY, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,663,880

United States Patent and Trademark Office

Registered Dec. 17, 2002

**TRADEMARK
PRINCIPAL REGISTER**

XBOX

**MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 98052**

**FOR: INTERACTIVE VIDEO GAME DEVICES
COMPRISED OF COMPUTER HARDWARE AND
SOFTWARE AND ACCESSORIES, NAMELY, GAME
CONSOLES, GAME CONTROLLERS, AND SOFT-**

**WARE FOR OPERATING GAME CONTROLLERS,
IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).**

FIRST USE 11-21-2001; IN COMMERCE 11-21-2001.

SN 75-982,801, FILED 2-25-2000.

**CHRISTOPHER BUONGIORNO, EXAMINING AT-
TORNEY**

Int. Cls.: 9, 38, and 41

Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101, 104, and 107

Reg. No. 2,698,179

Registered Mar. 18, 2003

United States Patent and Trademark Office

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

XBOX

MICROSOFT CORPORATION (WASHINGTON CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 98052

FOR: PROVIDING COMPUTER GAMES AND VIDEO GAMES DOWNLOADABLE OVER COMPUTER GLOBAL COMMUNICATIONS NETWORKS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 8-23-2002; IN COMMERCE 8-23-2002.

FOR: PROVIDING ON-LINE CHAT ROOMS FOR TRANSMISSION OF MESSAGES AMONG COMPUTER USERS CONCERNING VIDEO AND COMPUTER GAMES; PROVIDING ON-LINE ELECTRONIC BULLETIN BOARDS FOR TRANSMISSION OF MESSAGES AMONG COMPUTER USERS CONCERNING VIDEO AND COMPUTER GAMES, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 8-23-2002; IN COMMERCE 8-23-2002.

FOR: ENTERTAINMENT SERVICES, NAMELY, PROVIDING INTERACTIVE MULTIPLAYER GAME SERVICES FOR GAMES PLAYED OVER COMPUTER NETWORKS AND GLOBAL COMMUNICATIONS NETWORKS; PROVIDING INFORMATION ON THE VIDEO GAME AND COMPUTER GAME INDUSTRIES VIA THE INTERNET; AND PROVIDING INFORMATION ON COMPUTER GAMES, VIDEO GAMES, VIDEO GAME CONSOLES AND ACCESSORIES THEREOF VIA THE INTERNET, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 8-23-2002; IN COMMERCE 8-23-2002.

SN 75-928,025, FILED 2-25-2000.

CHRISTOPHER BUONGIORNO, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,730,847

United States Patent and Trademark Office

Registered June 24, 2003

TRADEMARK
PRINCIPAL REGISTER

XBOX

MICROSOFT CORPORATION (WASHINGTON CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FOR: VIDEO GAME PLAYER MACHINES FOR USE WITH TELEVISIONS AND COMPUTERS, AND OPERATING SYSTEM SOFTWARE PROGRAMS AND COMPUTER UTILITY PROGRAMS FOR USE THEREWITH; ELECTRONIC DEVICES, NAMELY, COMPUTER HARDWARE FOR ACCESSING GLOBAL COMPUTER AND COMMUNICATION NETWORKS; AND OPERATING SYSTEM SOFTWARE PROGRAMS AND COMPUTER AND COMMUNICATION NETWORKS, AND OPERATING SYSTEM SOFTWARE PROGRAMS AND COMPUTER UTILITY PROGRAMS FOR USE THEREWITH; COMPUTER HARDWARE AND PERIPHERALS; COMPUTER GAME CONTROLLERS; COMPUTER GAME PADS AND CONTROLLERS; COMPUTER SOFTWARE FOR PLAYING VIDEO GAMES AND

COMPUTER GAMES AND FOR ACCESSING AND BROWSING GLOBAL COMPUTER AND COMMUNICATION NETWORKS; COMPUTER SOFTWARE FOR COMPRESSING AND DECOMPRESSING DATA AND VIDEO IMAGES, WORD TEXT EDITING; COMPUTER GAME PROGRAMS AND COMPUTER VIDEO GAME PROGRAMS DOWNLOADABLE FROM GLOBAL COMPUTER NETWORKS AND GLOBAL COMMUNICATIONS NETWORKS; AND USER MANUALS FOR ALL THE AFOREMENTIONED SOFTWARE AND DEVICES SOLD AS A UNIT THEREWITH, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 11-21-2001; IN COMMERCE 11-21-2001.

SN 78-975,045, FILED 9-8-2000.

IRENE D. WILLIAMS, EXAMINING ATTORNEY

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Corrected

Reg. No. 2,738,849

Registered July 15, 2003

OG Date Jan. 20, 2004

SERVICE MARK
PRINCIPAL REGISTER

XBOX

MICROSOFT CORPORATION (WA-
SHINGTON CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FOR: ARRANGING AND CONDUCT-
ING TRADE SHOW EXHIBITIONS IN
THE FIELD OF VIDEO AND COMPUTER
GAMES FOR THE VIDEO GAME AND
COMPUTER GAME INDUSTRY; ORGA-
NIZING AND CONDUCTING EXHIBI-

TIONS TO ADVERTISE AND PROMOTE
THE SALE OF VIDEO AND COMPUTER
GAMES OF OTHERS; AND PROVIDING
TRADE INFORMATION ABOUT THE
COMPUTER GAME AND VIDEO GAME
INDUSTRY, IN CLASS 35 (U.S. CLS. 100,
101 AND 102).

FIRST USE 11-1-2001; IN COMMERCE
11-1-2001.

SER. NO. 78-025,107, FILED 9-8-2000.



*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Jan. 20, 2004.*

A handwritten signature in black ink, appearing to read 'James H. Moore', is written over a horizontal line.

DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 2,775,859

Registered Oct. 21, 2003

TRADEMARK
PRINCIPAL REGISTER

XBOX

MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

OWNER OF U.S. REG. NO. 2,646,465.

FOR: TV AND VIDEO CONVERTERS, IN CLASS 9
(U.S. CLS. 21, 23, 26, 36 AND 38).

SER. NO. 78-193,098, FILED 12-10-2002.

FIRST USE 12-0-1998; IN COMMERCE 12-0-1998.

PRISCILLA MILTON, EXAMINING ATTORNEY

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, and 50

Reg. No. 2,776,769

United States Patent and Trademark Office

Registered Oct. 21, 2003

**TRADEMARK
PRINCIPAL REGISTER**

XBOX

MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

GAME HARDWARE, SOFTWARE AND RELATED
ACCESSORIES, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29,
37, 38 AND 50).

FOR: PRINTED MATTER AND PUBLICATIONS,
NAMELY MAGAZINES, BOOKS, NEWSLETTERS,
MANUALS AND JOURNALS IN THE FIELDS OF
VIDEO AND COMPUTER GAME INDUSTRIES,
GENERAL VIDEO GAME AND COMPUTER GAME
INFORMATION, AND VIDEO AND COMPUTER

FIRST USE 9-0-2001; IN COMMERCE 9-0-2001.

SN 78-025,106, FILED 9-8-2000.

ESTHER A. BORSUK, EXAMINING ATTORNEY

Int. Cls.: 38 and 41

Prior U.S. Cls.: 100, 101, 104, and 107

United States Patent and Trademark Office

Reg. No. 2,792,744

Registered Dec. 9, 2003

**SERVICE MARK
PRINCIPAL REGISTER**

XBOX

MICROSOFT CORPORATION (WASHINGTON CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FOR: PROVIDING ON-LINE CHAT ROOMS FOR TRANSMISSION OF MESSAGES AMONG COMPUTER USERS CONCERNING INTERACTIVE GAMES PLAYED OVER COMPUTER NETWORKS AND GLOBAL COMMUNICATIONS NETWORKS, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 8-23-2002; IN COMMERCE 8-23-2002.

FOR: ENTERTAINMENT SERVICES, NAMELY, PROVIDING ON-LINE INTERACTIVE MULTI-

PLAYER COMPUTER GAMES PLAYED VIA COMPUTER NETWORKS AND GLOBAL COMMUNICATIONS NETWORKS; PROVIDING INFORMATION ON-LINE RELATING TO COMPUTER GAMES, VIDEO GAMES AND COMPUTER AND VIDEO GAME RELATED PRODUCTS; AND ORGANIZING AND CONDUCTING EXHIBITIONS FOR USERS OF VIDEO AND COMPUTER GAMES, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 11-1-2001; IN COMMERCE 11-1-2001.

SN 78-025,108, FILED 9-8-2000.

ESTHER A. BORSUK, EXAMINING ATTORNEY



EXHIBIT N

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 3,252,556

Registered June 12, 2007

**TRADEMARK
PRINCIPAL REGISTER**

XBOX 360

MICROSOFT CORPORATION (WASHINGTON CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FOR: INTERACTIVE VIDEO GAME DEVICES COMPRISED OF COMPUTER HARDWARE AND SOFTWARE AND ACCESSORIES, NAMELY, GAME CONSOLES, GAME CONTROLLERS AND SOFTWARE FOR OPERATING GAME CONTROLLERS; ELECTRONIC DEVICES, NAMELY, COMPUTER HARDWARE FOR ACCESSING GLOBAL COMPUTER AND COMMUNICATION NETWORKS; COMPUTER HARDWARE AND COMPUTER PERIPHERALS; CAMERAS; COMPUTER SOFTWARE FOR PLAYING VIDEO GAMES AND COMPUTER GAMES WITH OTHERS VIA A GLOBAL COMPUTER OR COMMUNICATION NETWORK AND FOR ACCESSING AND BROWSING GLOBAL COMPUTER AND COMMUNICATION NETWORKS; COMPUTER SOFTWARE FOR COMPRESSING AND DECOMPRESSING DATA AND VIDEO IMAGES, WORD TEXT EDITING AND FOR COM-

POSING, TRANSMITTING AND RECEIVING EMAIL; OPERATING SYSTEM SOFTWARE PROGRAMS AND UTILITY PROGRAMS FOR USE WITH THE ABOVE REFERENCED MACHINES; USER MANUALS THEREFORE SOLD AS A UNIT THEREWITH; COMPUTER PROGRAMS, NAMELY, GAME SOFTWARE FOR USE ON COMPUTERS AND VIDEO GAME PLAYERS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 11-22-2005; IN COMMERCE 11-22-2005.

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

OWNER OF U.S. REG. NOS. 2,646,465 AND 2,698,179.

SN 78-977,810, FILED 5-12-2005.

ARETHA SOMERVILLE, EXAMINING ATTORNEY

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, and 50

United States Patent and Trademark Office

Reg. No. 3,300,210

Registered Sep. 25, 2007

**TRADEMARK
PRINCIPAL REGISTER**

XBOX 360

MICROSOFT CORPORATION (WASHINGTON CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FOR: PUBLICATIONS, NAMELY, STRATEGY GUIDES, USER MANUALS, AND MAGAZINES ALL IN THE FIELD OF COMPUTER GAMES, SCIENCE FICTION, GAMES AND ENTERTAINMENT; PENS, NOTEBOOKS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 12-0-2006; IN COMMERCE 12-0-2006.

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

OWNER OF U.S. REG. NOS. 2,776,769 AND 2,817,709.

SN 78-978,669, FILED 5-12-2005.

JASON ROTH, EXAMINING ATTORNEY

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS
Microsoft Corporation

DEFENDANTS
Dauben, Inc. d/b/a Texas International Property Associates

(b) County of Residence of First Listed Plaintiff King County, Washington
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Dallas County, Texas
(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorney's (Firm Name, Address, and Telephone Number)
John W. Patton
Kirkpatrick & Lockhart Preston Gates Ellis LLP
1717 Main Street, Suite 2800
Dallas, TX 75201
214.939.5500

Attorneys (If Known)

RECEIVED
JAN 22 2008
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

308 CV 0098-L

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant

4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

(For Diversity Cases Only)

Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Overpayment of Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY - Med. Malpractice <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnations <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities-Employment <input type="checkbox"/> 446 Amer. w/Disabilities-Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations & Disclosure Act <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 Transferred from another district (specify)

6 Multidistrict Litigation

7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
15 U.S.C. § 1125(d), 15 U.S.C. §§ 1114 and 1125(a)

Brief description of cause: Cybersquatting, trademark infringement, false designation of origin, unfair competition/false advertising

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND Damages and injunctive relief

JURY DEMAND: Yes No

VIII. RELATED CASE(S) PENDING OR CLOSED (See instructions): JUDGE _____ DOCKET NUMBER _____

DATE January 22, 2008

SIGNATURE OF ATTORNEY OF RECORD _____

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____