

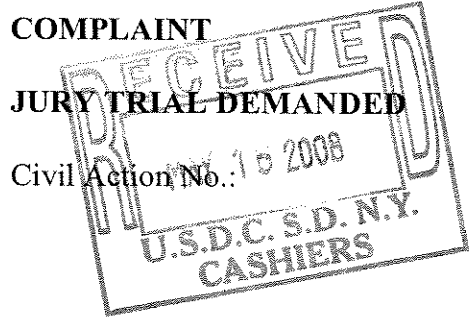
JUDGE SWAIN

08 CIV 45817

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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

YAHOO! INC. a Delaware  
corporation,  
Plaintiff,  
  
v.  
  
XYZ Companies 1-25 and  
JOHN/JANE DOES 1-25  
(a/k/a the "Yahoo! Lottery Spammers")  
  
Defendants.



Plaintiff, Yahoo! Inc. ("Yahoo!" or "Plaintiff"), for its complaint against Defendants XYZ Companies 1-25 and John/Jane Does 1-25 (collectively referred to herein as "Defendants"), alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for trademark infringement, unfair competition, false designation of origin, false or misleading description or representation of fact, dilution, spamming and other related claims. Defendants have, without authorization from Yahoo!, willfully masqueraded as Yahoo! for the purpose of deceiving Internet users into believing that they have won a lottery or

prize offered by Yahoo!, when in fact Yahoo! does not offer any such awards and has no affiliation or any connection with Defendants or their email communications.

### **THE PARTIES**

2. Yahoo! is a Delaware corporation with a principal place of business at 701 First Avenue, Sunnyvale, California 94089.

3. The true identities of Defendants XYZ Companies 1–25 and John/Jane Does 1–25 are unknown. Upon information and belief, information obtained in discovery from the third party email service providers, such as Earthlink and GoDaddy, will lead to the identification of Defendants.

### **JURISDICTION AND VENUE**

4. This Court has original jurisdiction over this action pursuant to 15 U.S.C. § 1121. This court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338, as questions of federal law have been presented under 15 U.S.C. §§ 1114 and 1125(a). This Court has supplemental jurisdiction over Yahoo!’s state law claims pursuant to 28 U.S.C. § 1367.

5. This Court has in personam jurisdiction over each of the Defendants pursuant to N.Y.C.P.L.R. § 302(a)(1), (2), and (3) in that, upon information and belief, Defendants, by themselves or through their agents, regularly solicit, transact, and engage in business in New York, including the Southern District of New York; derive substantial revenue from services rendered in New York, including the Southern District of New York; and have caused Yahoo!’s injuries alleged herein from their acts within or directed toward New York and the Southern District of New York.

6. Venue is appropriate in this Court over Defendants pursuant to 28 U.S.C. § 1391 because upon information and belief, Defendants regularly conduct business in this district and/or a substantial part of the claims arose in this district.

### **YAHOO!'S BUSINESS AND SERVICES**

7. Yahoo! is a global Internet communications, media, and commerce company that delivers a branded network of comprehensive searching, directory, information, communication, shopping services and other online activities and features to millions of Internet users daily.

8. Yahoo!'s services include web directory and search services, e-mail services, chat, sports, stock quotes, real estate and mortgage information and rate quotes, movie reviews, news, weather, sports, yellow page directory services, maps, on-line shopping, travel reservations, classified advertising, audio and video streaming, and web-hosting and management.

9. Since at least as early as 1994, Yahoo! has used its name and mark YAHOO! in connection with its services.

10. The main YAHOO! Website, located at the domain name <www.yahoo.com>, has long been one of the leading websites on the Internet and number one across multiple categories. For example, according to comScore Media Metrix, during the month of February 2008, Yahoo!'s total U.S. Internet audience was approximately 185 million unique visitors, making it the number one website in the U.S. and reaching approximately 74% of the U.S. online population. Also, according to comScore, Yahoo! users in the U.S. visited Yahoo! properties last month alone approximately 3.5 billion times. As of at least last month, the YAHOO! Homepage remains the single largest page online, reaching more than half of all Internet users in the U.S.

11. In addition to the variety of services offered at Yahoo!’s main website, <www.yahoo.com>, Yahoo! operates many additional sites, under the YAHOO! mark and using the YAHOO! mark together with a descriptive name of its services, including but not limited to YAHOO! Mail, YAHOO! Search, YAHOO! News, YAHOO! Video, YAHOO! Kids, YAHOO! Classifieds, YAHOO! Mobile, YAHOO! Messenger, YAHOO! Shopping, YAHOO! Travel, YAHOO! Small Business, YAHOO! Finance, YAHOO! Personals, YAHOO! Sports, YAHOO! Maps, and YAHOO! Movies.

12. Yahoo!’s electronic mail service is the most popular electronic mail service provider on the Internet, with over 250 million users worldwide.

13. Yahoo! has duly registered its name and mark YAHOO! and is the owner of, *inter alia*, the entire right, title, and interest in and to numerous federal registrations for YAHOO! and YAHOO!-formative marks, including but not limited to the following:

REG NO.	MARK	REG. DATE	SERVICES
2040222	YAHOO!	February 25, 1997	computer software for searching and retrieving information, sites, and other resources on computer networks; computer software, namely, a directory of information, sites, and resources available on computer networks; books regarding computer networks and searching and retrieving information, sites, and other resources on computer networks; promoting the goods and services of others by placing advertisements and promotional displays in an electronic site accessed through computer networks; computer services, namely, creating indexes of information, sites, and other resources available on computer networks; searching and retrieving information, sites, and other resources available on computer networks for others; providing an

REG NO.	MARK	REG. DATE	SERVICES
			online link to news, weather, sports, current events, and reference materials
2040691	YAHOO! (stylized)	February 25, 1997	computer services, namely, creating indexes of information, sites, and other resources available on computer networks; searching and retrieving information, sites, and other resources available on computer networks for others; providing an online link to news, weather, sports, current events, and reference materials
2159115	YAHOO!	YAHOO!	electronic mail services
2084046	MY YAHOO!	July 29, 2007	computer services, namely, creating indexes of information, sites, and other resources available on computer networks for others; searching and retrieving information, sites, and other resources available on computer networks; providing an online link to news, weather, sports, current events, and reference materials
2076457	YAHOO!	July 1, 1997	magazines regarding computer networks and searching and retrieving information, sites, and other resources on computer networks
2187292	YAHOO!	September 9, 1998	online computer services, namely, providing information regarding the goods and services of others in the nature of a buyers' guide, by means of a global computer network
2403227	YAHOO!	November 14, 2000	computer software for providing multiple-user access to computer networks; and computer software for use in creating and designing web sites; online retail and mail order services in the field of general consumer merchandise; directory services to help locate people, places, organizations, phone numbers, home pages, and electronic mail address; promoting the web sites of others,

REG NO.	MARK	REG. DATE	SERVICES
			<p>namely, distributing advertising for others via an online electronic communications network; telecommunications services, namely, providing telephone communications via computer networks; electronic transmission of data, images, and documents via computer terminals and networks; providing online facilities for real-time interaction with other computer users concerning topics of general interest and for playing games; and broadcasting services, namely, audio broadcasting, radio broadcasting, cable television broadcasting, television broadcasting, and video broadcasting; making reservations and bookings for transportation and online reservations and bookings for transportation; computer services, namely, providing multiple-user access to computer networks for the transfer and dissemination of a wide range of information; providing a wide range of general interest information via computer networks; computer bulletin and message boards in the fields of general interest; design, creation, hosting, maintenance, consulting, and technical assistance in the fields of designing, creating, hosting, maintaining, operating, managing, advertising, and marketing of online commerce websites; making reservations and bookings for temporary lodging and online reservations and bookings for temporary lodging</p>
2564963	YAHOO!	April 30, 2002	<p>telecommunications services, namely, broadcasting and delivery of audio, video, and multimedia content by means of cellular and wireless communication, electronic</p>

REG NO.	MARK	REG. DATE	SERVICES
			communications networks, and computer networks; delivery of messages by electronic transmission; and paging services
2243823	YAHOO!	May 4, 1999	credit card services
2243909	YAHOO!	May 4, 1999	posters; shirts, sweatshirts, shorts, jackets, visors, and hats
2273128	YAHOO!	August 24, 1999	computer software for use as a screen saver; housewares, namely cups and mugs
2482907	YAHOO!	August 28, 2001	personal planners; note pads in the form of cubes; pens, desk pads
2491498	YAHOO!	September 18, 2001	temporary tattoos; posters; calendars; daily, desktop and personal planners; backpacks and luggage tags
2507286	YAHOO!	November 13, 2001	drink containers in the nature of water bottles; soccer balls, baseballs, footballs, beach balls, beach toys namely, inflatable toys
2530662	YAHOO!	January 15, 2002	pre-recorded sound recordings featuring music, musical performances, instrumental music, and vocal music
2559219	YAHOO!	April 9, 2002	pre-recorded sound recordings featuring educational materials
2564976	YAHOO!	April 30, 2002	electronic commerce services, namely, gift registry services, providing an online business-to-business marketplace where businesses can buy and sell excess inventory and idle assets, and online auction services; providing online retail, mail order, and auction business management; event ticket sales services; financial services, namely, provision of information regarding real estate financing, mortgage rates, home sale values, automobile loans, stock prices, investing, coupons and other money saving offers; provision of credit

REG NO.	MARK	REG. DATE	SERVICES
			reports and credit report analysis information; insurance services, namely, provision of information regarding automobile insurance, life insurance, health insurance, homeowners insurance, and renters insurance; electronic bill payment services; provision of buyer protection insurance for purchases made on the internet; electronic funds transfer services; and electronic commerce services, namely, credit card transaction processing services, credit card verification services, payment processing services, and bill processing services
2630544	YAHOO!	October 8, 2002	digital cameras and downloaders, namely, devices that download and play audio clips from the internet and other sources
2713015	YAHOO!	May 6, 2003	providing business referrals in the field of real estate for brokers, appraisers, adjusters, and other real estate professionals; providing online information in the field of real estate
2715989	YAHOO!	May 13, 2003	telecommunication services, namely, broadcasting and delivery of audio, video, and multimedia content by means of radio, television, cable television, and closed circuit; and telephony services
2867113	YAHOO! GROUPS	July 27, 2004	promoting the goods and services of others by placing advertisements and promotional displays in an electronic site accessed through computer networks; advertising and promotion of websites for others; online directory services; providing online directories, indices, and searchable databases pertaining to e-mail communication and mailing lists; and computerized database management; providing multiple-user access to

REG NO.	MARK	REG. DATE	SERVICES
			computer networks for the transfer and dissemination of a wide range of information; electronic transmission of data, messages, images, and documents; electronic mail services; electronic storage of messages and data; chat services, namely, providing online facilities for real-time interaction with other computer users concerning topics of general interest; providing electronic bulletin boards and message boards for transmission of messages among computer users concerning topics of general interest; storage of electronic data, information, computer files, and photographs for others; calendaring services rendered via computer networks; searching and retrieving information, sites, and other resources available on computer networks for others; designing, creating, hosting, and maintenance of websites for others; and providing use of software applications through a personalized web-page interface
2946620	YAHOO!	May 3, 2005	web cameras and remote controls for personal computing devices
3039073	YAHOO!	January 10, 2006	entertainment and education services, namely, providing online computer games and contests; online computer services to enable people to locate other game players and play games over communications networks; ongoing entertainment programs broadcast via radio, cellular, and wireless communication, the internet, electronic communications networks, and computer networks in the fields of news, weather, sports, travel, current events, reference information, career information, computing, technology, shopping, auctions, movies, theater, music, health, education, science,

REG NO.	MARK	REG. DATE	SERVICES
			finance, and investing; providing sports information via telephone, cellular telephone, wireless communication devices, and the internet; providing information in the field of sports, sports scores, sports statistics, player statistics, play-by-play sports commentary, and sports editorial commentary via the internet; conducting classes to train employment recruiters and personnel managers how to optimize the hiring process; providing information and news online in the fields of employment training; movie schedule and location information services; providing a website featuring information, listings, and news regarding television programming and entertainment; providing information in the fields of news and entertainment, namely, movies, television, music, sports, and celebrity personalities via computer networks; entertainment services in the form of a continuing news show distributed over computer networks; organizing and conducting fantasy sports contests and leagues; providing online fantasy sports news information; providing horoscope information and entertainment via computer networks; providing information relating to electronic and computer games; production of music video programs for broadcast on computer networks. entertainment services, namely, providing a web site featuring musical performances, musical videos, film clips, celebrity interviews, talk shows, television show previews, photographs, and other multimedia materials; providing prerecorded music, information in the field of music, and commentary and articles

REG NO.	MARK	REG. DATE	SERVICES
			about music, all via computer networks; providing information regarding photography
3060552	YAHOO!	February 21, 2006	clocks; wrapping paper, memo pads, playing cards, pens and pencils; umbrellas; cups and lunch boxes; towels; socks, ties, boxer shorts, t-shirts; headwear; and footwear
3097162	MY YAHOO!	May 30, 2006	electronic currency converters; advertising and business services, namely, advertising and marketing; advertising services, namely, placing advertisements and promotional displays in electronic sites accessed via computer networks; providing career, employment, and job placement information via the internet; providing consumer product information via the internet; providing online auction services; promoting the goods and services of others by means of operating an online shopping mall with links to the retail web sites of others; providing comparison shopping information via the internet; providing hotel, resort, and other lodging rate comparison information; providing an online commercial information directory on the internet; providing online directory information services also featuring hyperlinks to other websites; providing information regarding charity volunteer programs and community service projects; insurance and financial services, namely, providing information regarding finance, currency conversion, real estate, real estate financing, home sale values, stock prices, investing, and money saving offers; providing information regarding automobile insurance, life insurance, health insurance, and homeowners

REG NO.	MARK	REG. DATE	SERVICES
			insurance; electronic payment, namely, electronic processing and transmission of bill and credit card payment data; electronic funds transfer; financial services, namely, providing credit reports and credit report analysis information; communication services, namely, electronic transmission of data and documents among users of computers; broadcasting services, namely, broadcasting of audio, video, and multimedia content via the internet; electronic mail services; voice mail services; telephone voice messaging services; electronic transmission of data, messages, images, and documents; chat room services, namely, providing online facilities for real-time interaction with other computer users concerning topics of general interest; providing electronic bulletin boards and message boards for transmission of messages among computer users concerning topics of general interest and for playing games; travel information services; travel guide services; travel agency services, namely, making reservations and bookings for transportation; storage of electronically-stored data, information, computer files, and photographs for others; entertainment and education services, namely, providing online computer games, sports news, and movie schedule and location information services; movie ticket reservation services; providing information, listings, and news regarding television programming and entertainment; providing information in the fields of news and entertainment, namely, movies, television, music, sports, and celebrity personalities via computer networks;

REG NO.	MARK	REG. DATE	SERVICES
			<p>providing information regarding lottery results; organizing and conducting fantasy sports contests and leagues; providing online fantasy sports news information; providing a website featuring prerecorded music videos via computer networks; providing search engines for obtaining data on the internet; providing temporary use of online non-downloadable software for calendaring via computer networks; providing temporary use of non-downloadable software through personalized web page interfaces for providing customized online web pages featuring user-defined information, which includes search engines and online web links to other websites; online computer mapping services; providing information regarding food and drink establishments; providing information regarding lodging; and providing information regarding temporary accommodations</p>
3152495	YAHOO!	October 10, 2006	<p>providing a website in the field of employment opportunities and career placement which offers the exchange of information; providing information regarding careers, employment, and job placement; providing consumer product information; providing comparison shopping information; providing rate comparison information for hotels, resorts, and other accommodations; providing information about automobiles for sale or lease; providing demographic information; and providing online directory information services also featuring hyperlinks to other websites; providing substantive information regarding building construction and</p>

REG NO.	MARK	REG. DATE	SERVICES
			repair services; providing substantive information regarding home construction and repair services; providing substantive information regarding appliance repair services; providing substantive information regarding handyman services; providing substantive information regarding pest control services; providing substantive information regarding cleaning services; and providing substantive information regarding home maintenance; digital enhancement of photographs; providing information regarding photocomposing services; providing information regarding photographic computer imaging; photographic enlarging services; photographic printing services; digital imaging services; document data transfer from one media to another; electronic digitizing of photographs into a computer readable media; and custom printing of digital photographs onto gift items, namely, mugs, t-shirts, mouse pads, puzzles, magnets, and posters; providing information regarding fitness; providing information regarding clinical trials; providing reviews and other substantive information regarding food and drink establishments; providing reviews and other substantive information regarding lodging; and providing reviews and substantive information regarding temporary accommodations; providing information regarding landscaping and yard care; providing information regarding health and health care; providing information regarding nutrition; providing information regarding medications; providing information regarding pet

REG NO.	MARK	REG. DATE	SERVICES
			care; providing information regarding pet breeds; providing information regarding astrology and horoscopes; providing information regarding dating; matchmaking services, namely, providing an online database of personals ads; providing counseling information via the internet in the fields of parenting and family relationships; and providing pet locator services

14. Each registration listed above in paragraph 13 is currently valid, subsisting, and in full force and effect, and registered on the Principal Trademark Register of the United States Patent and Trademark Office. Registration Nos. 2,040,222; 2,040,691; 2,076,457; 2,084,06; 2,159,115; 2,187,292; 2,243,823; 2,243,909; 2,273,128; 2,482,907; 2,491,498; and 2,507,286 are incontestable pursuant to 15 U.S.C. § 1065. (The above registrations are referred to collectively herein as the “Yahoo! Marks.”) The registration of these marks constitutes prima facie evidence of their validity and conclusive evidence of Yahoo!’s exclusive right to use the name and mark YAHOO! in connection with the services named therein and commercially related goods. The registration of such marks also constitutes constructive notice to Defendants of Yahoo!’s ownership and exclusive rights in the Yahoo! Marks. Copies of the certificates of registrations identified in paragraph 13 are attached as Exhibit 1.

15. The YAHOO! name and mark is one of the most recognized brands in the world. As a result of the arbitrary and distinctive nature of the YAHOO! name and mark and the Yahoo! Marks, the many millions of visitors to the YAHOO! network of websites every day, the hundreds of thousands of links to the YAHOO! website from third party websites, Yahoo!’s extensive use and promotion, and the time, effort and money invested in its business, the name

and mark YAHOO! and the Yahoo! Marks have acquired secondary meaning, significant goodwill and have become famous and serve uniquely to identify Yahoo! and its services. Through such widespread and favorable public acceptance and recognition, the name and mark YAHOO! and the Yahoo! Marks have become assets of incalculable value as symbols of Yahoo!'s high quality services.

### **DEFENDANTS' WRONGFUL CONDUCT**

16. Upon information and belief, long after Yahoo!'s first use of its name and mark YAHOO!, and without permission or authorization of Yahoo!, and with full knowledge and notice of Yahoo!'s trademark rights, Defendants disseminated mass electronic mail messages (a/k/a "emails") claiming that the recipient had won a lottery, prize or other award from Yahoo! (hereinafter the "Yahoo! Lottery Hoax Emails").

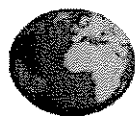
17. Although the specific text and claims may differ, the Yahoo! Lottery Hoax Emails all follow the same general pattern. The email falsely claims that Yahoo! collects the email addresses of people who are active online and on the Internet and then randomly selects winners daily, weekly, monthly or annually. The award amounts range from thousands of dollars to one million dollars to hundreds of thousands of British Pounds Sterling. The recipients are told either to click on a link or to forward their personal information to a listed "Yahoo! Lottery Co-ordinator" to claim their prize, and the email lists the co-ordinator's telephone and email information. The Yahoo! Lottery Hoax Emails further warn the recipient to keep the prize award confidential to avoid potential disqualification. In certain of the Yahoo! Lottery Hoax Emails, upon submission of their personal information the winners are requested to contact a designated "security and delivery services firm" to arrange for payment of their prize money, which firm

then charges the winners hundreds of dollars in various processing and mailing charges in order to complete the payment process.

18. The Yahoo! Lottery Hoax Emails display the name and mark YAHOO! and claim to originate from "Yahoo! Lotto Org.," "Yahoo Award Winning Centre," "Division of Yahoo Internet Lottery," the "Yahoo!! International Lottery Organization" and/or the "Yahoo! Awards Center." A sample email claiming to be from the "Division of Yahoo Internet Lottery" appears below:

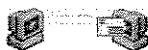
**Divison of Yahoo Internet Lottery**

YAHOO! NEWS



YAHOO! MAIL Lottery

\*ONE MILLION UNITED STATE DOLLARS\*



INC.


AUTHORISED BY YAH!

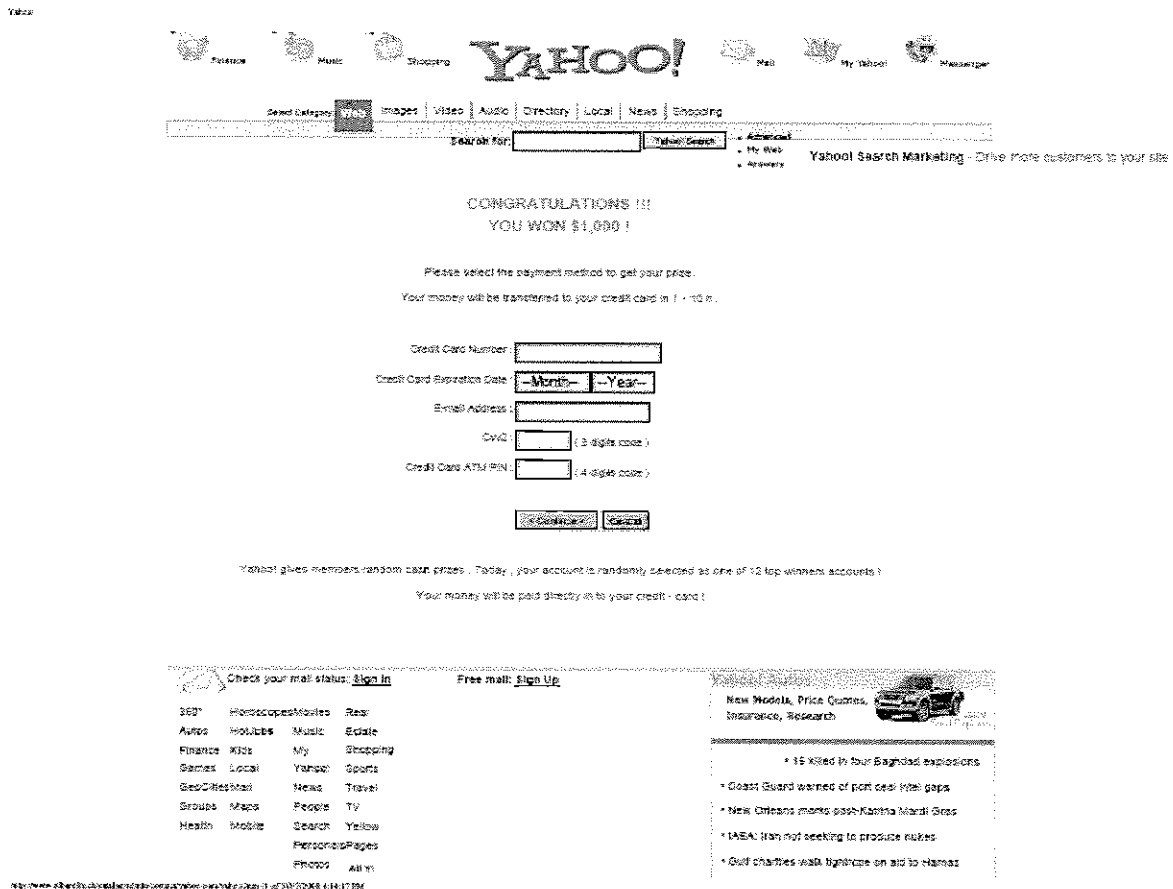
**CONGRATULATIONS !!!!**

**YOU WON 152151,0 00.000.00  
DOLLARS!**

CONGRATULATIONS!

Yahoo!! International Lottery Organization  
Bangkok Branch Office  
Address: 3 Rajdamnern Avenue  
Bangkok 10200 Thailand

19. A subset of the Yahoo! Lottery Hoax Emails asks recipients to click on a link landing on a website that is not authorized by Yahoo!, but rather designed to mislead people into mistakenly believing it is a YAHOO! website or authorized by Yahoo!. For example, the site displays the name and mark YAHOO! and the Yahoo! Marks, copies the look and feel of Yahoo!'s web properties down to using the famous  logo together with Yahoo!'s icons for its Mail, Instant Messenger, Finance, Music, and Shopping services, and links to Yahoo!'s websites to buttress the false impression that the site is authorized by Yahoo!. In this deceptive environment, the Defendants dupe recipients into entering in and submitting their personal information in hope of receiving a prize. A sample of one such unauthorized website appears below:



20. Defendants use Yahoo!'s name and the Yahoo! Marks intentionally to mislead people into mistakenly believing that they are the lucky recipients of emails sent to them as winners selected by Yahoo!. Defendants thereby encourage people to open and read such messages and then send their personal information to Defendants under the mistaken impression the Defendants are associated, endorsed, sponsored or affiliated with Yahoo!.

21. On information and belief, for their own commercial gain, Defendants use Yahoo!'s name and the Yahoo! Marks intentionally to mislead recipients of the Yahoo! Lottery Hoax Emails into mistakenly believing that such emails were sent by Yahoo! for the purpose of luring them into sending their personal information to Defendants and then using it to access recipients' bank accounts and credit cards, or to apply for unauthorized credit cards or loans, or to fraudulently create documents bearing the victims' personal identification and then using or selling it in a wide variety of credit and identity scams. Some of the Defendants' Yahoo! Lottery Hoax Email scams also dupe the "winners" into sending them money for processing and mailing charges.

22. Upon information and belief, the unauthorized use of Yahoo!'s name and the Yahoo! Marks by Defendants is misleading, fraudulent, and has actually confused, misled, and deceived the public into believing that Defendants' Yahoo! Lottery Hoax Emails are from Yahoo!, or are otherwise associated, endorsed or sponsored by Yahoo!, when they are not.

23. Upon information and belief, Defendants have caused and will continue to cause actual confusion amongst the general public through their Yahoo! Lottery Hoax Emails.

24. In view of the number of instances of actual confusion among the general public arising out of the Yahoo! Lottery Hoax Emails, the concern about further instances of actual confusion among the general public, and in order to mitigate the injury to users of the Internet

and electronic mail, Yahoo! posted a FAQ on its website explaining that there is no YAHOO! Lottery in existence and that any unsolicited email claiming to award such a lottery or prize is a scam.

25. Upon information and belief, Defendants' use of Yahoo!'s name and the Yahoo! Marks was and is with actual knowledge of and for the purposes of trading off the reputation and goodwill in Yahoo!'s name and the Yahoo! Marks and was done in bad faith.

26. Upon information and belief, Defendants' unauthorized use of Yahoo!'s name and the Yahoo! Marks removes from Yahoo! the ability to control the nature and quality of the services provided to the United States market and places the valuable reputation and goodwill of Yahoo! in the hands of the Defendants, over whom Yahoo! exerts no control. Thus, Defendants are causing irreparable injury not only to the public and Yahoo!'s users who fall victim to the Yahoo! Lottery Hoax Emails, but also to Yahoo!'s goodwill, business reputation, and service marks.

**COUNT ONE**  
**(Federal Trademark Infringement – 15 U.S.C. § 1114)**

27. Yahoo! repeats the allegations above as if fully set forth herein.

28. Upon information and belief, Defendants distribution of the Yahoo! Lottery Hoax Emails is in direct competition with Yahoo!'s legitimate provision of Internet and electronic mail services affecting interstate commerce.

29. Upon information and belief, Defendants' use of copies or colorable imitations of the name and mark YAHOO! and the Yahoo! Marks in the Yahoo! Lottery Hoax Emails is likely to cause and is causing confusion, mistake, and deception among the general public and is likely to deceive the public into believing the Yahoo! Lottery Hoax Emails originate from and/or are

associated with and/or are otherwise authorized by Yahoo! all to the damage and detriment of Yahoo!'s business, reputation, and goodwill.

30. Defendants' actions constitute trademark infringement in violation of Section 32(a) of the Lanham Act, 15 U.S.C. § 1114.

31. Yahoo! has no adequate remedy at law for Defendants' infringement of its federally registered trademarks. Unless Defendants are preliminarily and permanently enjoined, Yahoo! will continue to suffer irreparable harm.

32. By reason of Defendants' unlawful conduct as alleged above, Yahoo! has been substantially injured and is entitled to damages attributable to Defendants' infringement, which are presently indeterminate, the costs of this action, and attorney's fees.

**COUNT TWO**  
**(Federal False Designation of Origin, Unfair Competition**  
**and Passing Off – 15 U.S.C. § 1125(a))**

33. Yahoo! repeats the allegations above as if fully set forth herein.

34. The name and mark YAHOO! and the Yahoo! Marks are distinctive marks and have become associated with Yahoo! and thus exclusively identify and distinguish Yahoo!'s business, products, and services.

35. Upon information and belief, because of Defendants' wrongful use of the name and mark YAHOO! and the Yahoo! Marks, the public is deceptively led to believe that Defendants' Yahoo! Lottery Hoax Emails originate from and/or are associated with and/or are otherwise authorized by Yahoo! in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

36. Upon information and belief, Defendants' actions constitute trademark infringement, passing off, false designation of origin, and false or misleading description or

representation of fact in and affecting interstate commerce in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

37. Upon information and belief, the acts of Defendants complained of herein have been done willfully for the purpose of injuring and causing damage to email users, Yahoo! and its business.

38. Upon information and belief, as a proximate result of Defendants' actions, Yahoo! has suffered and will continue to suffer great damage to its business, goodwill, and reputation.

39. Upon information and belief, Yahoo! has no adequate remedy at law for Defendants' wrongful acts as alleged herein. Unless Defendants are preliminarily and permanently enjoined, Yahoo! will continue to suffer irreparable harm.

40. Upon information and belief, by reason of Defendants' unlawful conduct as alleged above, Yahoo! has been substantially injured and is entitled to damages attributable to Defendants' wrongful acts as alleged herein, which are presently indeterminate, the costs of this action, and attorney's fees.

**COUNT THREE**  
**(Federal Dilution – 15 U.S.C. 1125(e))**

41. Yahoo! repeats the allegations above as if fully set forth herein.

42. Yahoo! has expended substantial time, skill, labor, and money, in the creation, marketing, advertising, and promotion of its name and mark YAHOO! and the Yahoo! Marks! and as a result, the aforementioned marks are famous, have acquired distinctiveness and secondary meaning and connote in the minds of the public the high quality services offered by Yahoo!.

43. The name and mark YAHOO! and the Yahoo! Marks are famous pursuant to 15 U.S.C. § 1125(c) and were famous before Defendants' use of the YAHOO! name and mark and the Yahoo! Marks in the Yahoo! Lottery Hoax Emails.

44. Upon information and belief, Defendants' use of the name and mark YAHOO! and the Yahoo! Marks in commerce is likely to cause dilution by blurring and/or tarnishing the name and mark YAHOO! and the Yahoo! Marks and the goodwill and reputation associated therewith.

45. Upon information and belief, Defendants' aforementioned acts constitute dilution in violation of the Lanham Act, 15 U.S.C. § 1125(c).

46. Upon information and belief, Defendants' aforementioned acts were done willfully and wantonly, with an intent to trade on Yahoo!'s famous reputation and goodwill.

47. Upon information and belief, as a proximate result of Defendants' actions, Yahoo! has suffered and will continue to suffer great damage to its business, goodwill, and reputation.

48. Upon information and belief, Yahoo! has no adequate remedy at law for Defendants' wrongful acts as alleged herein. Unless Defendants are preliminarily and permanently enjoined, Yahoo! will continue to suffer irreparable harm.

49. Upon information and belief, by reason of Defendants' unlawful conduct as alleged above, Yahoo! has been substantially injured and is entitled to damages attributable to Defendants' wrongful acts as alleged herein, which are presently indeterminate, the costs of this action, and attorney's fees.

**COUNT FOUR**  
**(Violation of Can-Spam Act – 15 U.S.C. §§ 7701 *et seq.*)**

50. Yahoo! repeats the allegations above as if fully set forth herein.

51. Yahoo! is a provider of Internet Access Service pursuant to 47 U.S.C. §§ 231(e)(4).

52. Upon information and belief, Defendants by their actions described herein initiated the transmission of commercial electronic mail messages, or a transactional or relationship messages, that contain, or are accompanied by, header information that is materially false or materially misleading in violation of 15 U.S.C. § 7704 (a) (1).

53. Upon information and belief, Defendants by their actions described herein initiated the transmission of commercial electronic mail messages with actual knowledge that the subject heading of the message would be likely to mislead a recipient about a material fact regarding the contents or subject matter of the message. Specifically, the Yahoo! Lottery Hoax Emails include in the subject heading of its electronic messages the following text: “Yahoo Award Notification” or “Yahoo! Mail congratulates you!” or other false subject headings misleading the recipients of the messages into believing that the Yahoo! Lottery Hoax Emails originate from and/or are associated with and/or are otherwise authorized by Yahoo! in violation of 15 U.S.C. § 7704 (a) (2).

54. Upon information and belief, Defendants by their actions described herein initiated the transmission of commercial electronic mail messages that did not comply with the consumer protection provisions of 15 U.S.C §§ 7701 *et seq.* by failing to include a functioning return electronic mail address or other mechanism conspicuously displayed that the recipient could use to submit a reply electronic message requesting not to receive future commercial electronic mail messages from Defendants in violation of 15 U.S.C § 7704 (a)(3).

55. Upon information and belief, Defendants’ aforementioned acts were done willfully and wantonly, and with bad faith intent.

56. Upon information and belief, as a proximate result of Defendants' actions, Yahoo! has suffered and will continue to suffer great damage to its business, goodwill, and reputation.

57. Upon information and belief, Yahoo! has no adequate remedy at law for Defendants' wrongful acts as alleged herein. Unless Defendants are preliminarily and permanently enjoined, Yahoo! will continue to suffer irreparable harm.

58. Upon information and belief, by reason of Defendants' unlawful conduct as alleged above, Yahoo! has been substantially injured and is entitled to recover statutory damages of \$125 per Yahoo! Lottery Hoax Email sent, a number that is presently indeterminate, and attorney's fees.

**COUNT FIVE**  
**(New York Common Law Trademark Infringement)**

59. Yahoo! repeats the allegations above as if fully set forth herein.

60. This claim arises under the common law of the State of New York. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1338(b) and based on supplemental jurisdiction.

61. Upon information and belief, Defendants' aforementioned acts constitute trademark infringement in violation of New York common law.

62. Upon information and belief, as a proximate result of Defendants' actions, Yahoo! has suffered and will continue to suffer great damage to its business, goodwill, and reputation.

63. Upon information and belief, Yahoo! has no adequate remedy at law for Defendants' wrongful acts as alleged herein. Unless Defendants are preliminarily and permanently enjoined, Yahoo! will continue to suffer irreparable harm.

64. Upon information and belief, by reason of Defendants' unlawful conduct as alleged above, Yahoo! has been substantially injured and is entitled to damages attributable to Defendants' wrongful acts as alleged herein, which are presently indeterminate, the costs of this action, and attorney's fees.

**COUNT SIX**  
**(New York State Dilution)**

65. Yahoo! repeats the allegations above as if fully set forth herein.

66. This claim arises under the state law of the State of New York. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1338 (b) and based on supplemental jurisdiction.

67. Upon information and belief, Defendants' actions as described herein constitute dilution and injury to Yahoo!'s business reputation in violation of New York Gen. Bus. Law § 360-1.

68. Upon information and belief, as a proximate result of Defendants' actions, Yahoo! has suffered and will continue to suffer great damage to its business, goodwill, and reputation.

69. Upon information and belief, Yahoo! has no adequate remedy at law for Defendants' wrongful acts as alleged herein. Unless Defendants are preliminarily and permanently enjoined, Yahoo! will continue to suffer irreparable harm.

70. Upon information and belief, by reason of Defendants' unlawful conduct as alleged above, Yahoo! has been substantially injured and is entitled to damages and Defendants' profits attributable to Defendants' wrongful acts as alleged herein, which are presently indeterminate, the costs of this action, and attorney's fees

**COUNT SEVEN**  
**(Deceptive Trade Practices)**

71. Yahoo! repeats the allegations above as if fully set forth herein.

72. This claim arises under the state law of the State of New York. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1338(b) and based on supplemental jurisdiction.

73. Upon information and belief, Defendants' actions as described herein constitute deceptive business acts or practices in violation of N.Y. Gen. Bus. Law § 349.

74. Upon information and belief, as a proximate result of Defendants' actions, Yahoo! has suffered and will continue to suffer great damage to its business, goodwill, and reputation.

75. Upon information and belief, Yahoo! has no adequate remedy at law for Defendants' wrongful acts as alleged herein. Unless Defendants are preliminarily and permanently enjoined, Yahoo! will continue to suffer irreparable harm.

76. Upon information and belief, by reason of Defendants' unlawful conduct as alleged above, Yahoo! has been substantially injured and is entitled to damages attributable to Defendants' wrongful acts as alleged herein, which are presently indeterminate, the costs of this action, and attorney's fees.

**JURY TRIAL DEMAND**

77. Yahoo! hereby demands a trial by jury pursuant to Fed. R. Civ. P. 38.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for an entry of judgment and for relief against Defendants as follows that:

A. Defendants, their respective officers, agents, servants, employees, representatives, and all other persons, firms, or corporations in active concert of participation with them be temporarily and preliminarily enjoined at first during the pendency of this action, and, thereafter permanently:

(i) using the name and mark YAHOO! and the Yahoo! Marks or any other name or mark in a manner which is likely to cause the public to be confused as to the source or sponsorship of Defendants' electronic messages, websites, business, products or services;

(ii) transmitting directly or indirectly any unsolicited commercial electronic messages to any Internet or Yahoo! Mail user;

(iii) transmitting directly or indirectly electronic messages claiming to originate from Yahoo!, Yahoo! Mail, Yahoo! Awards or any other subsidiary or affiliate, existing or non-existing, of Yahoo!;

(iv) from committing any acts calculated to cause the public to believe that Defendants' electronic messages originate from and/or are associated with and/or are otherwise authorized by Yahoo!;

(v) from otherwise further diluting and infringing the name and mark YAHOO! and the Yahoo! Marks; and

B. Defendants in accordance with 15 U.S.C. § 116(a) be directed to file with this Court and serve upon Yahoo! within thirty (30) days after entry of the injunction a report in writing under oath, setting forth in detail the manner and form in which they have complied with the injunction;

C. Defendants account for profits realized by Defendants by reason of Defendants unlawful acts herein alleged and disgorge such profits;

D. The amount of damages for infringement of Yahoo!'s registered marks be increased by a sum not exceeding three times the amount thereof as provided by law;

E. Defendants be required to pay to Yahoo! statutory damages in an amount to be proven at trial pursuant to 15 U.S.C § 7706(g)(3);

E. Defendants be required to account for and pay over to Yahoo! all damages sustained by Yahoo! by reason of their unlawful acts alleged herein, and that such amounts be trebled, as provided by law;


F. Defendants be required to pay to Yahoo! punitive and exemplary damages in an amount sufficient to deter further illegal conduct;

G. Defendants be required to pay to Yahoo! all of Yahoo!'s costs, disbursements, and attorneys' fees in this action, as provided by law, including 15 U.S.C. § 1117 and 15 U.S.C. § 7706;

H. That Yahoo! be awarded any other relief that the Court may deem just and proper.

FOLEY & LARDNER LLP

Dated: New York, New York  
May 16, 2008

By:   
Robert S. Weisbein (RW-0080)  
FOLEY & LARDNER LLP  
90 Park Avenue  
New York, NY 10016-1314  
Phone: 212-682-7474  
Facsimile: 212-687-2329

*Attorneys for Plaintiff  
Yahoo! Inc.*



**EXHIBIT LIST:**

Exhibit 1: Copies of YAHOO! certificates of registrations

# EXHIBIT 1

**Int. Cls.: 9, 16, 35 and 42**

**Prior U.S. Cls.: 2, 5, 21, 22, 23, 26, 29, 36, 37, 38,  
50, 100, 101 and 102**

**Reg. No. 2,040,222**

**United States Patent and Trademark Office**

**Registered Feb. 25, 1997**

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**

**YAHOO!**

YAHOO! INC. (CALIFORNIA CORPORATION)  
635 VANQUEROS AVENUE  
SUNNYVALE, CA 94086 , BY CHANGE OF  
NAME YAHOO CORPORATION (CALIFOR-  
NIA CORPORATION) MOUNTAIN VIEW, CA  
94041

FOR: COMPUTER SOFTWARE FOR  
SEARCHING AND RETRIEVING INFORMA-  
TION, SITES, AND OTHER RESOURCES ON  
COMPUTER NETWORKS; COMPUTER SOFT-  
WARE, NAMELY, A DIRECTORY OF INFOR-  
MATION, SITES, AND RESOURCES AVAIL-  
ABLE ON COMPUTER NETWORKS, IN CLASS  
9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 11-1-1995; IN COMMERCE  
11-1-1995.

FOR: BOOKS REGARDING COMPUTER  
NETWORKS AND SEARCHING AND RE-  
TRIEVING INFORMATION, SITES, AND  
OTHER RESOURCES ON COMPUTER NET-  
WORKS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29,  
37, 38 AND 50).

FIRST USE 11-1-1995; IN COMMERCE  
11-1-1995.

FOR: PROMOTING THE GOODS AND SERV-  
ICES OF OTHERS BY PLACING ADVERTISE-  
MENTS AND PROMOTIONAL DISPLAYS IN  
AN ELECTRONIC SITE ACCESSED THROUGH  
COMPUTER NETWORKS, IN CLASS 35 (U.S.  
CLS. 100, 101 AND 102).

FIRST USE 8-1-1995; IN COMMERCE  
8-1-1995.

FOR: COMPUTER SERVICES, NAMELY,  
CREATING INDEXES OF INFORMATION,  
SITES, AND OTHER RESOURCES AVAILABLE  
ON COMPUTER NETWORKS; SEARCHING  
AND RETRIEVING INFORMATION, SITES,  
AND OTHER RESOURCES AVAILABLE ON  
COMPUTER NETWORKS FOR OTHERS; PRO-  
VIDING AN ONLINE LINK TO NEWS,  
WEATHER, SPORTS, CURRENT EVENTS,  
AND REFERENCE MATERIALS, IN CLASS 42  
(U.S. CLS. 100 AND 101).

FIRST USE 6-1-1994; IN COMMERCE  
6-1-1994.

SER. NO. 75-047,949, FILED 1-24-1996.

CHRISIE B. KING, EXAMINING ATTORNEY

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

Reg. No. 2,040,691

United States Patent and Trademark Office

Registered Feb. 25, 1997

SERVICE MARK  
PRINCIPAL REGISTER

# YAHOO!

YAHOO! INC. (CALIFORNIA CORPORATION)  
635 VAQUEROS AVENUE  
SUNNYVALE, CA 94086

FOR: COMPUTER SERVICES, NAMELY,  
CREATING INDEXES OF INFORMATION,  
SITES, AND OTHER RESOURCES AVAILABLE  
ON COMPUTER NETWORKS; SEARCHING  
AND RETRIEVING INFORMATION, SITES,  
AND OTHER RESOURCES AVAILABLE ON  
COMPUTER NETWORKS FOR OTHERS; PRO-

VIDING AN ONLINE LINK TO NEWS,  
WEATHER, SPORTS, CURRENT EVENTS,  
AND REFERENCE MATERIALS, IN CLASS 42  
(U.S. CLS. 100 AND 101).

FIRST USE 1-2-1996; IN COMMERCE  
1-2-1996.

SER. NO. 75-093,620, FILED 4-24-1996.

CHRISIE B. KING, EXAMINING ATTORNEY

**Int. Cl.: 38**

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

**Reg. No. 2,159,115**

**United States Patent and Trademark Office**

**Registered May 19, 1998**

**SERVICE MARK  
PRINCIPAL REGISTER**

**YAHOO!**

YAHOO! INC. (CALIFORNIA CORPORATION)  
3400 CENTRAL EXPRESSWAY, SUITE 201  
SANTA CLARA, CA 95051

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

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

SER. NO. 75-340,270, FILED 8-13-1997.

CHRISIE B. KING, EXAMINING ATTORNEY

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

Reg. No. 2,084,046

**United States Patent and Trademark Office**

Registered July 29, 1997

**SERVICE MARK  
PRINCIPAL REGISTER**

**MY YAHOO!**

YAHOO! INC. (CALIFORNIA CORPORATION)  
3400 CENTRAL EXPRESSWAY, SUITE 201  
SANTA CLARA, CA 95054

FOR: COMPUTER SERVICES, NAMELY,  
CREATING INDEXES OF INFORMATION,  
SITES, AND OTHER RESOURCES AVAILABLE  
ON COMPUTER NETWORKS FOR OTHERS;  
SEARCHING AND RETRIEVING INFORMA-  
TION, SITES, AND OTHER RESOURCES  
AVAILABLE ON COMPUTER NETWORKS;

PROVIDING AN ONLINE LINK TO NEWS,  
WEATHER, SPORTS, CURRENT EVENTS,  
AND REFERENCE MATERIALS, IN CLASS 42  
(U.S. CLS. 100 AND 101).

FIRST USE 5-21-1996; IN COMMERCE  
5-21-1996.

SER. NO. 75-159,903, FILED 8-29-1996.

CHRISIE B. KING, EXAMINING ATTORNEY

**Int. Cl.: 16**

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

**Reg. No. 2,076,457**

**United States Patent and Trademark Office**

**Registered July 1, 1997**

**TRADEMARK  
PRINCIPAL REGISTER**

**YAHOO!**

YAHOO! INC. (CALIFORNIA CORPORATION)  
3400 CENTRAL EXPRESSWAY, SUITE 201  
SANTA CLARA, CA 95051 BY CHANGE OF  
NAME FROM YAHOO CORPORATION  
(CALIFORNIA CORPORATION) MOUNTAIN  
VIEW, CA 94041

FOR: MAGAZINES REGARDING COMPUT-  
ER NETWORKS AND SEARCHING AND RE-  
TRIEVING INFORMATION, SITES, AND

OTHER RESOURCES ON COMPUTER NET-  
WORKS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29,  
37, 38 AND 50).

FIRST USE 3-12-1996; IN COMMERCE  
3-12-1996.

SN 75-049,763, FILED 1-24-1996.

CHRISIE B. KING, EXAMINING ATTORNEY

**Int. Cl.: 35**

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

**Reg. No. 2,187,292**

**United States Patent and Trademark Office**

**Registered Sep. 8, 1998**

**SERVICE MARK  
PRINCIPAL REGISTER**

**YAHOO!**

**YAHOO! INC. (CALIFORNIA CORPORATION)  
3400 CENTRAL EXPRESSWAY, SUITE 201  
SANTA CLARA, CA 95051**

**FOR: ONLINE COMPUTER SERVICES,  
NAMELY, PROVIDING INFORMATION RE-  
GARDING THE GOODS AND SERVICES OF  
OTHERS IN THE NATURE OF A BUYERS'  
GUIDE, BY MEANS OF A GLOBAL COMPUT-**

**ER NETWORK, IN CLASS 35 (U.S. CLS. 100, 101  
AND 102).**

**FIRST USE 9-22-1997; IN COMMERCE  
9-22-1997.**

**SER. NO. 75-251,029, FILED 2-28-1997.**

**CHRISIE B. KING, EXAMINING ATTORNEY**

**Int. Cls.: 9, 35, 38, 39 and 42**

**Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101, 102, 104 and 105**

**United States Patent and Trademark Office**

**Reg. No. 2,403,227**

**Registered Nov. 14, 2000**

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**

**YAHOO!**

YAHOO! INC. (DELAWARE CORPORATION)  
3420 CENTRAL EXPRESSWAY  
SANTA CLARA, CA 95051 , BY MERGER YAHOO!  
INC. (CALIFORNIA CORPORATION) SANTA  
CLARA, CA 95051

FOR: COMPUTER SOFTWARE FOR PROVIDING  
MULTIPLE-USER ACCESS TO COMPUTER NET-  
WORKS; AND COMPUTER SOFTWARE FOR USE  
IN CREATING AND DESIGNING WEB SITES, IN  
CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 3-16-1998; IN COMMERCE 3-16-1998.

FOR: ONLINE RETAIL AND MAIL ORDER SERV-  
ICES IN THE FIELD OF GENERAL CONSUMER  
MERCHANDISE; DIRECTORY SERVICES TO HELP  
LOCATE PEOPLE, PLACES, ORGANIZATIONS,  
PHONE NUMBERS, HOME PAGES, AND ELEC-  
TRONIC MAIL ADDRESS; PROMOTING THE WEB  
SITES OF OTHERS, NAMELY, DISTRIBUTING AD-  
VERTISING FOR OTHERS VIA AN ONLINE ELEC-  
TRONIC COMMUNICATIONS NETWORK, IN CLASS  
35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 8-1-1995; IN COMMERCE 8-1-1995.

FOR: TELECOMMUNICATIONS SERVICES,  
NAMELY, PROVIDING TELEPHONE COMMUNICA-  
TIONS VIA COMPUTER NETWORKS; ELECTRONIC  
TRANSMISSION OF DATA, IMAGES, AND DOCU-  
MENTS VIA COMPUTER TERMINALS AND NET-  
WORKS; PROVIDING ONLINE FACILITIES FOR  
REAL-TIME INTERACTION WITH OTHER COM-  
PUTER USERS CONCERNING TOPICS OF GENERAL  
INTEREST AND FOR PLAYING GAMES; AND  
BROADCASTING SERVICES, NAMELY, AUDIO  
BROADCASTING, RADIO BROADCASTING, CABLE  
TELEVISION BROADCASTING, TELEVISION

BROADCASTING, AND VIDEO BROADCASTING, IN  
CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 6-0-1994; IN COMMERCE 6-0-1994.

FOR: MAKING RESERVATIONS AND BOOKINGS  
FOR TRANSPORTATION AND ONLINE RESERVA-  
TIONS AND BOOKINGS FOR TRANSPORTATION,  
IN CLASS 39 (U.S. CLS. 100 AND 105).

FIRST USE 11-10-1997; IN COMMERCE  
11-10-1997.

FOR: COMPUTER SERVICES, NAMELY, PRO-  
VIDING MULTIPLE-USER ACCESS TO COMPUTER  
NETWORKS FOR THE TRANSFER AND DISSEMI-  
NATION OF A WIDE RANGE OF INFORMATION;  
PROVIDING A WIDE RANGE OF GENERAL INTER-  
EST INFORMATION VIA COMPUTER NETWORKS;  
COMPUTER BULLETIN AND MESSAGE BOARDS IN  
THE FIELDS OF GENERAL INTEREST; DESIGN,  
CREATION, HOSTING, MAINTENANCE, CON-  
SULTING, AND TECHNICAL ASSISTANCE IN THE  
FIELDS OF DESIGNING, CREATING, HOSTING,  
MAINTAINING, OPERATING, MANAGING, ADVER-  
TISING, AND MARKETING OF ONLINE COM-  
MERCE WEBSITES; MAKING RESERVATIONS AND  
BOOKINGS FOR TEMPORARY LODGING AND ON-  
LINE RESERVATIONS AND BOOKINGS FOR TEM-  
PORARY LODGING, IN CLASS 42 (U.S. CLS. 100  
AND 101).

FIRST USE 4-15-1996; IN COMMERCE 4-15-1996.

OWNER OF U.S. REG. NOS. 2,040,222, 2,187,292  
AND OTHERS.

SER. NO. 75-536,236, FILED 8-13-1998.

ELIZABETH J. WINTER, EXAMINING ATTORNEY

**Int. Cl.: 38**

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

**Reg. No. 2,564,963**

**United States Patent and Trademark Office**

**Registered Apr. 30, 2002**

**SERVICE MARK  
PRINCIPAL REGISTER**

**YAHOO!**

YAHOO! INC. (CALIFORNIA CORPORATION)  
3420 CENTRAL EXPRESSWAY  
SANTA CLARA, CA 95051

FOR: TELECOMMUNICATIONS SERVICES,  
NAMELY, BROADCASTING AND DELIVERY OF  
AUDIO, VIDEO, AND MULTIMEDIA CONTENT BY  
MEANS OF CELLULAR AND WIRELESS COMMU-  
NICATION, ELECTRONIC COMMUNICATIONS  
NETWORKS, AND COMPUTER NETWORKS; DE-  
LIVERY OF MESSAGES BY ELECTRONIC TRANS-

MISSION; AND PAGING SERVICES, IN CLASS 38  
(U.S. CLS. 100, 101 AND 104).

FIRST USE 8-11-1999; IN COMMERCE 8-11-1999.

OWNER OF U.S. REG. NOS. 2,040,691, 2,159,115  
AND OTHERS.

SER. NO. 75-979,851, FILED 5-14-1999.

ELIZABETH J. WINTER, EXAMINING ATTORNEY

**Int. Cl.: 36**

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

**Reg. No. 2,243,823**

**United States Patent and Trademark Office**

**Registered May 4, 1999**

**SERVICE MARK  
PRINCIPAL REGISTER**

**YAHOO!**

**YAHOO! INC. (CALIFORNIA CORPORATION)  
3400 CENTRAL EXPRESSWAY, SUITE 201  
SANTA CLARA, CA 95051**

**FIRST USE 2-23-1998; IN COMMERCE  
2-23-1998.**

**SN 75-376,450, FILED 10-20-1997.**

**FOR: CREDIT CARD SERVICES, IN CLASS  
36 (U.S. CLS. 100, 101 AND 102).**

**MARY ROSSMAN, EXAMINING ATTORNEY**

Int. Cls.: 16 and 25

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, 39, and 50

Reg. No. 2,243,909

**United States Patent and Trademark Office**

Registered May 4, 1999

**TRADEMARK  
PRINCIPAL REGISTER**

**YAHOO!**

YAHOO! INC. (CALIFORNIA CORPORATION)  
3400 CENTRAL EXPRESSWAY, SUITE 201  
SANTA CLARA, CA 95051 BY CHANGE OF  
NAME AND CHANGE OF NAME FROM  
YAHOO CORPORATION (CALIFORNIA COR-  
PORATION) MOUNTAIN VIEW, CA 94041

FOR: POSTERS , IN CLASS 16 (U.S. CLS. 2, 5,  
22, 23, 29, 37, 38 AND 50).

FIRST USE 3-0-1996; IN COMMERCE  
3-0-1996.

FOR: SHIRTS, SWEATSHIRTS, SHORTS,  
JACKETS, VISORS, AND HATS, IN CLASS 25  
(U.S. CLS. 22 AND 39).

FIRST USE 4-10-1995; IN COMMERCE  
4-10-1995.

SN 75-976,767, FILED 5-25-1995.

JESSIE B. BILLINGS, EXAMINING ATTORNEY

Int. Cls.: 9, 21, and 35

Prior U.S. Cls.: 2, 13, 21, 23, 26, 29, 30, 33, 36, 38,  
40, 50, 100, 101, and 102

Reg. No. 2,273,128

**United States Patent and Trademark Office**

Registered Aug. 24, 1999

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**

**YAHOO!**

YAHOO!, INC. (CALIFORNIA CORPORATION)  
635 VAQUEROS AVENUE  
SUNNYVALE, CA 94086 BY CHANGE OF  
NAME FROM YAHOO CORPORATION  
(CALIFORNIA CORPORATION) MOUNTAIN  
VIEW, CA 94041

FOR: SCREEN SAVER , IN CLASS 9 (U.S.  
CLS. 21, 23, 26, 36 AND 38).

FIRST USE 3-0-1997; IN COMMERCE  
3-0-1997.

FOR: HOUSEWARES, NAMELY CUPS AND  
MUGS, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30,  
33, 40 AND 50).

FIRST USE 1-0-1997; IN COMMERCE  
1-0-1997.

FOR: DEMOGRAPHIC CONSULTATION  
SERVICES, IN CLASS 35 (U.S. CLS. 100, 101  
AND 102).

FIRST USE 6-10-1998; IN COMMERCE  
6-10-1998.

SN 75-978,545, FILED 5-25-1995.

JESSIE B. BILLINGS, EXAMINING ATTORNEY

**Int. Cls.: 9 and 16**

**Prior U.S. Cls.: 2, 5, 21, 22, 23, 26, 29, 36, 37, 38, and 50**

**United States Patent and Trademark Office**

**Reg. No. 2,482,907**

**Registered Aug. 28, 2001**

**TRADEMARK  
PRINCIPAL REGISTER**

**YAHOO!**

YAHOO! INC. (DELAWARE CORPORATION)  
3420 CENTRAL EXPRESSWAY  
SANTA CLARA, CA 95051 BY MERGER YAHOO!  
INC. (CALIFORNIA CORPORATION) SANTA  
CLARA, CA 95051

FOR: EYEGLASSES, NAMELY, READING AND  
COMPUTER GLASSES, AND SUN READERS , IN  
CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 11-0-2000; IN COMMERCE 11-0-2000.

FOR: PORTFOLIOS AND FOLIOS, NAMELY,  
STATIONERY-TYPE PORTFOLIOS; PLANNERS;  
NAMELY, DAILY, DESKTOP, AND PERSONAL  
PLANNERS; ASSIGNMENT BOOKS; NOTEBOOKS;  
DIARIES; FAT BOOKS, NAMELY, OVERSIZED NO-  
TEBOOKS; WRITING PADS; NOTE PADS IN THE  
FORM OF CUBES; LEGAL WRITING PADS; PAPER  
TEXT BOOK COVERS; BINDERS; PENCIL HOLD-  
ERS; ZIPPER FOLDER PACKS SOLD EMPTY; TAB-  
BED DIVIDERS FOR NOTEBOOKS; PRINTING

PAPERS, NAMELY, BUSINESS PAPER, COPY PA-  
PER, WRITING PAPER, COMPUTER PAPER,  
LOOSELEAF PAPER, AND STATIONERY; SCHOOL  
SUPPLIES, NAMELY, PENCILS, DECORATIVE  
PENCIL TOP ORNAMENTS, PENS, ERASERS; AND  
OFFICE PRODUCTS, NAMELY, DESK TOP ORGA-  
NIZERS, DESK TOP ROTARY CARD FILES, DESK  
PADS, DESK STANDS AND HOLDERS FOR PENS,  
PENCILS, AND INK, DESK BASKETS FOR DESK  
ACCESSORIES, DESK FILE TRAYS, DESK TOP  
STATIONERY CABINETS, AND DESK SETS, IN  
CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 7-0-1999; IN COMMERCE 7-0-1999.

OWNER OF U.S. REG. NOS. 2,040,222, 2,040,691,  
AND 2,076,457.

SN 75-561,053, FILED 9-29-1998.

ELIZABETH J. WINTER, EXAMINING ATTORNEY

**Int. Cls.: 9, 14, 16, and 18**

**Prior U.S. Cls.: 1, 2, 3, 5, 21, 22, 23, 26, 27, 28, 29, 36,  
37, 38, 41, and 50**

**United States Patent and Trademark Office**

**Reg. No. 2,491,498**  
**Registered Sep. 18, 2001**

**TRADEMARK  
PRINCIPAL REGISTER**

**YAHOO!**

YAHOO! INC. (DELAWARE CORPORATION)  
701 FIRST AVENUE  
SUNNYVALE, CA 94089

FOR: MAGNETS AND SUNGLASSES, IN CLASS 9  
(U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-0-1999; IN COMMERCE 1-0-1999.

FOR: WATCHES, IN CLASS 14 (U.S. CLS. 2, 27, 28  
AND 50).

FIRST USE 4-0-1998; IN COMMERCE 4-0-1998.

FOR: TEMPORARY TATTOOS; POSTERS; CA-  
LENDARS; DAILY, DESKTOP, AND PERSONAL  
PLANNERS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29,  
37, 38 AND 50).

FIRST USE 2-0-1998; IN COMMERCE 2-0-1998.

FOR: BACKPACKS AND LUGGAGE TAGS, IN  
CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 10-0-1998; IN COMMERCE 10-0-1998.

SN 75-980,778, FILED 2-12-1996.

CHRISIE B. KING, EXAMINING ATTORNEY

**Int. Cls.: 20, 21, and 28**

**Prior U.S. Cls.: 2, 13, 22, 23, 25, 29, 30, 32, 33, 38, 40,  
and 50**

**United States Patent and Trademark Office**

**Reg. No. 2,507,286**

**Registered Nov. 13, 2001**

**TRADEMARK  
PRINCIPAL REGISTER**

**YAHOO!**

YAHOO! INC. (DELAWARE CORPORATION)  
3420 CENTRAL EXPRESSWAY  
SANTA CLARA, CA 95051 BY CHANGE OF NAME  
FROM; BY CHANGE OF NAME FROM; BY  
MERGER YAHOO CORPORATION (CALIFOR-  
NIA CORPORATION) SUNNYVALE, CA 94086

FOR: SLEEPING BAGS, IN CLASS 20 (U.S. CLS. 2,  
13, 22, 25, 32 AND 50).

FIRST USE 12-0-2000; IN COMMERCE 12-0-2000.

FOR: DRINK CONTAINERS IN THE NATURE OF  
WATER BOTTLES, IN CLASS 21 (U.S. CLS. 2, 13, 23,  
29, 30, 33, 40 AND 50).

FIRST USE 4-0-1998; IN COMMERCE 4-0-1998.

FOR: BOARD GAMES, BUBBLE MAKING WAND  
AND SOLUTION SETS, BALLOONS, SOCCER  
BALLS, BASEBALLS, FOOTBALLS, BEACH BALLS,  
BEACH TOYS NAMELY, INFLATABLE TOYS, IN  
CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 6-0-1998; IN COMMERCE 6-0-1998.

SN 75-056,541, FILED 2-12-1996.

CHRISIE B. KING, EXAMINING ATTORNEY

**Int. Cl.: 9**

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

**Reg. No. 2,530,662**

**United States Patent and Trademark Office**

**Registered Jan. 15, 2002**

**TRADEMARK  
PRINCIPAL REGISTER**

**YAHOO!**

YAHOO INC. (DELAWARE CORPORATION)  
701 FIRST AVENUE  
SUNNYVALE, CA 94089 BY MERGER YAHOO! INC.  
(CALIFORNIA CORPORATION) SANTA CLARA,  
CA 95051

FIRST USE 2-0-2000; IN COMMERCE 2-0-2000.

OWNER OF U.S. REG. NOS. 2,040,222, 2,243,823,  
AND OTHERS.

FOR: PRE-RECORDED SOUND RECORDINGS  
FEATURING MUSIC, MUSICAL PERFORMANCES,  
INSTRUMENTAL MUSIC, VOCAL MUSIC , IN  
CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

SN 75-981,403, FILED 8-13-1998.

ELIZABETH J. WINTER, EXAMINING ATTORNEY

**Int. Cl.: 9**

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

**Reg. No. 2,559,219**

**United States Patent and Trademark Office**

**Registered Apr. 9, 2002**

**TRADEMARK  
PRINCIPAL REGISTER**

**YAHOO!**

YAHOO! INC. (DELAWARE CORPORATION)  
3420 CENTRAL EXPRESSWAY  
SANTA CLARA, CA 95051 BY MERGER YAHOO!  
INC. (CALIFORNIA CORPORATION) SANTA  
CLARA, CA 95051

FIRST USE 8-3-2001; IN COMMERCE 8-3-2001.

OWNER OF U.S. REG. NOS. 2,040,222, 2,243,823,  
AND OTHERS.

FOR: PRE-RECORDED SOUND RECORDINGS  
FEATURING EDUCATIONAL MATERIALS, IN  
CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

SN 75-536,235, FILED 8-13-1998.

ELIZABETH J. WINTER, EXAMINING ATTORNEY

Int. Cls.: 35 and 36

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

Reg. No. 2,564,976

**United States Patent and Trademark Office**

Registered Apr. 30, 2002

**SERVICE MARK  
PRINCIPAL REGISTER**

**YAHOO!**

YAHOO! INC. (DELAWARE CORPORATION)  
3420 CENTRAL EXPRESSWAY  
SANTA CLARA, CA 95051

FOR: ELECTRONIC COMMERCE SERVICES, NAMELY, GIFT REGISTRY SERVICES, PROVIDING AN ONLINE BUSINESS-TO-BUSINESS MARKETPLACE WHERE BUSINESSES CAN BUY AND SELL EXCESS INVENTORY AND IDLE ASSETS, AND ONLINE AUCTION SERVICES; PROVIDING ONLINE RETAIL, MAIL ORDER, AND AUCTION BUSINESS MANAGEMENT; EVENT TICKET SALES SERVICES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 9-0-1998; IN COMMERCE 9-0-1998.

FOR: FINANCIAL SERVICES, NAMELY, PROVISION OF INFORMATION REGARDING REAL ESTATE FINANCING, MORTGAGE RATES, HOME SALE VALUES, AUTOMOBILE LOANS, STOCK PRICES, INVESTING, COUPONS AND OTHER MONEY SAVING OFFERS; PROVISION OF CREDIT REPORTS AND CREDIT REPORT ANALYSIS IN-

FORMATION; INSURANCE SERVICES, NAMELY, PROVISION OF INFORMATION REGARDING AUTOMOBILE INSURANCE, LIFE INSURANCE, HEALTH INSURANCE, HOMEOWNERS INSURANCE, AND RENTERS INSURANCE; ELECTRONIC BILL PAYMENT SERVICES; PROVISION OF BUYER PROTECTION INSURANCE FOR PURCHASES MADE ON THE INTERNET; ELECTRONIC FUNDS TRANSFER SERVICES; AND ELECTRONIC COMMERCE SERVICES, NAMELY, CREDIT CARD TRANSACTION PROCESSING SERVICES, CREDIT CARD VERIFICATION SERVICES, PAYMENT PROCESSING SERVICES, AND BILL PROCESSING SERVICES, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 9-0-1998; IN COMMERCE 9-0-1998.

OWNER OF U.S. REG. NOS. 2,040,691, 2,187,292 AND OTHERS.

SER. NO. 76-012,754, FILED 3-29-2000.

LAVERNE THOMPSON, EXAMINING ATTORNEY

**Int. Cl.: 9**

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

**United States Patent and Trademark Office**

**Reg. No. 2,630,544**

**Registered Oct. 8, 2002**

**TRADEMARK  
PRINCIPAL REGISTER**

**YAHOO!**

YAHOO! INC. (DELAWARE CORPORATION)  
701 FIRST AVENUE  
SUNNYVALE, CA 94089

FIRST USE 8-3-2000; IN COMMERCE 8-3-2000.

OWNER OF U.S. REG. NOS. 2,040,222, 2,159,115  
AND OTHERS.

FOR: DIGITAL CAMERAS AND DOWNLOA-  
DERS, NAMELY, DEVICES THAT DOWNLOAD  
AND PLAY AUDIO CLIPS FROM THE INTERNET  
AND OTHER SOURCES, IN CLASS 9 (U.S. CLS. 21,  
23, 26, 36 AND 38).

SER. NO. 76-206,232, FILED 2-7-2001.

MICHELE SWAIN, EXAMINING ATTORNEY

**Int. Cls.: 35 and 36**

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

**United States Patent and Trademark Office**

**Reg. No. 2,713,015**

**Registered May 6, 2003**

**SERVICE MARK  
PRINCIPAL REGISTER**

**YAHOO!**

YAHOO! INC. (DELAWARE CORPORATION)  
701 FIRST AVENUE  
SUNNYVALE, CA 94089

FOR: PROVIDING BUSINESS REFERRALS IN  
THE FIELD OF REAL ESTATE FOR BROKERS,  
APPRAISERS, ADJUSTERS, AND OTHER REAL  
ESTATE PROFESSIONALS, IN CLASS 35 (U.S. CLS.  
100, 101 AND 102).

FIRST USE 1-0-1998; IN COMMERCE 1-0-1998.

FOR: PROVIDING ONLINE INFORMATION IN  
THE FIELD OF REAL ESTATE, IN CLASS 36 (U.S.  
CLS. 100, 101 AND 102).

FIRST USE 1-0-1998; IN COMMERCE 1-0-1998.

SER. NO. 76-364,591, FILED 1-31-2002.

RUSS HERMAN, EXAMINING ATTORNEY

**Int. Cl.: 38**

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

**United States Patent and Trademark Office**

**Reg. No. 2,715,989**

**Registered May 13, 2003**

**SERVICE MARK  
PRINCIPAL REGISTER**

**YAHOO!**

YAHOO! INC. (DELAWARE CORPORATION)  
3420 CENTRAL EXPRESSWAY  
SANTA CLARA, CA 95051

FIRST USE 9-16-1996; IN COMMERCE 9-16-1996.

OWNER OF U.S. REG. NOS. 2,040,691, 2,159,115,  
AND OTHERS.

FOR: TELECOMMUNICATION SERVICES,  
NAMELY, BROADCASTING AND DELIVERY OF  
AUDIO, VIDEO, AND MULTIMEDIA CONTENT BY  
MEANS OF RADIO, TELEVISION, CABLE TELEVI-  
SION, AND CLOSED CIRCUIT; AND TELEPHONY  
SERVICES, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

SN 75-706,414, FILED 5-14-1999.

WILLIAM P. SHANAHAN, EXAMINING ATTOR-  
NEY

**Int. Cls.: 35, 38, 39, and 42**

**Prior U.S. Cls.: 100, 101, 102, 104, and 105**

**United States Patent and Trademark Office**

**Reg. No. 2,867,113**

**Registered July 27, 2004**

**SERVICE MARK  
PRINCIPAL REGISTER**

**YAHOO! GROUPS**

YAHOO! INC. (DELAWARE CORPORATION)  
701 FIRST AVENUE  
SUNNYVALE, CA 94089

FOR: PROMOTING THE GOODS AND SERVICES OF OTHERS BY PLACING ADVERTISEMENTS AND PROMOTIONAL DISPLAYS IN AN ELECTRONIC SITE ACCESSED THROUGH COMPUTER NETWORKS; ADVERTISING AND PROMOTION OF WEBSITES FOR OTHERS; ONLINE DIRECTORY SERVICES; PROVIDING ONLINE DIRECTORIES, INDICES, AND SEARCHABLE DATABASES PERTAINING TO E-MAIL COMMUNICATION AND MAILING LISTS; AND COMPUTERIZED DATABASE MANAGEMENT, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 1-30-2001; IN COMMERCE 1-30-2001.

FOR: PROVIDING MULTIPLE-USER ACCESS TO COMPUTER NETWORKS FOR THE TRANSFER AND DISSEMINATION OF A WIDE RANGE OF INFORMATION; ELECTRONIC TRANSMISSION OF DATA, MESSAGES, IMAGES, AND DOCUMENTS; ELECTRONIC MAIL SERVICES; ELECTRONIC STORAGE OF MESSAGES AND DATA; CHAT SERVICES, NAMELY, PROVIDING ONLINE FACILITIES FOR REAL-TIME INTERACTION WITH OTHER COMPUTER USERS CONCERNING TOPICS OF GENERAL INTEREST; PROVIDING ELECTRONIC BULLETIN BOARDS AND MESSAGE BOARDS FOR TRANSMISSION OF MESSAGES AMONG COMPUTER USERS CONCERNING TOPICS OF GENERAL INTEREST, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 1-30-2001; IN COMMERCE 1-30-2001.

FOR: STORAGE OF ELECTRONIC DATA, INFORMATION, COMPUTER FILES, AND PHOTOGRAPHS FOR OTHERS, IN CLASS 39 (U.S. CLS. 100 AND 105).

FIRST USE 1-30-2001; IN COMMERCE 1-30-2001.

FOR: CALENDARING SERVICES RENDERED VIA COMPUTER NETWORKS; SEARCHING AND RETRIEVING INFORMATION, SITES, AND OTHER RESOURCES AVAILABLE ON COMPUTER NETWORKS FOR OTHERS; DESIGNING, CREATING, HOSTING, AND MAINTENANCE OF WEBSITES FOR OTHERS; AND PROVIDING USE OF SOFTWARE APPLICATIONS THROUGH A PERSONALIZED WEB-PAGE INTERFACE, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 1-30-2001; IN COMMERCE 1-30-2001.

OWNER OF U.S. REG. NOS. 2,040,222, 2,159,115, AND OTHERS.

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

SN 76-179,147, FILED 12-12-2000.

ALICE SUE CARRUTHERS, EXAMINING ATTORNEY

**Int. Cl.: 9**

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

**Reg. No. 2,946,620**

**United States Patent and Trademark Office**

**Registered May 3, 2005**

**TRADEMARK  
PRINCIPAL REGISTER**

**YAHOO!**

YAHOO! INC. (DELAWARE CORPORATION)  
701 FIRST AVENUE  
SUNNYVALE, CA 94089

OWNER OF U.S. REG. NOS. 2,040,222, 2,159,115,  
AND OTHERS.

FOR: WEB CAMERAS AND REMOTE CON-  
TROLS FOR PERSONAL COMPUTING DEVICES,  
IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

SN 76-977,043, FILED 2-2-2001.

FIRST USE 1-0-2002; IN COMMERCE 1-0-2002.

MICHELE SWAIN, EXAMINING ATTORNEY

**Int. Cl.: 41**

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

**Reg. No. 3,039,073**

**United States Patent and Trademark Office**

**Registered Jan. 10, 2006**

**SERVICE MARK  
PRINCIPAL REGISTER**

**YAHOO!**

YAHOO! INC. (DELAWARE CORPORATION)  
701 FIRST AVENUE  
SUNNYVALE, CA 94089

FOR: ENTERTAINMENT AND EDUCATION SERVICES, NAMELY, PROVIDING ONLINE COMPUTER GAMES AND CONTESTS; ONLINE COMPUTER SERVICES TO ENABLE PEOPLE TO LOCATE OTHER GAME PLAYERS AND PLAY GAMES OVER COMMUNICATIONS NETWORKS; ONGOING ENTERTAINMENT PROGRAMS BROADCAST VIA RADIO, CELLULAR, AND WIRELESS COMMUNICATION, THE INTERNET, ELECTRONIC COMMUNICATIONS NETWORKS, AND COMPUTER NETWORKS IN THE FIELDS OF NEWS, WEATHER, SPORTS, TRAVEL, CURRENT EVENTS, REFERENCE INFORMATION, CAREER INFORMATION, COMPUTING, TECHNOLOGY, SHOPPING, AUCTIONS, MOVIES, THEATER, MUSIC, HEALTH, EDUCATION, SCIENCE, FINANCE, AND INVESTING; PROVIDING SPORTS INFORMATION VIA TELEPHONE, CELLULAR TELEPHONE, WIRELESS COMMUNICATION DEVICES, AND THE INTERNET; PROVIDING INFORMATION IN THE FIELD OF SPORTS, SPORTS SCORES, SPORTS STATISTICS, PLAYER STATISTICS, PLAY-BY-PLAY SPORTS COMMENTARY, AND SPORTS EDITORIAL COMMENTARY VIA THE INTERNET; CONDUCTING CLASSES TO TRAIN EMPLOYMENT RECRUITERS AND PERSONNEL MANAGERS HOW TO OPTIMIZE THE HIRING PROCESS; PROVIDING INFORMATION AND NEWS ONLINE IN THE FIELDS OF EMPLOYMENT TRAINING; MOVIE SCHEDULE AND LOCATION INFORMATION SERVICES; PROVIDING A WEBSITE FEATURING INFORMATION, LISTINGS, AND NEWS REGARDING TELEVISION PROGRAMMING AND ENTERTAINMENT; PROVIDING INFORMATION IN THE FIELDS OF NEWS AND ENTERTAINMENT, NAMELY, MOVIES, TELEVISION, MUSIC, SPORTS,

AND CELEBRITY PERSONALITIES VIA COMPUTER NETWORKS; ENTERTAINMENT SERVICES IN THE FORM OF A CONTINUING NEWS SHOW DISTRIBUTED OVER COMPUTER NETWORKS; ORGANIZING AND CONDUCTING FANTASY SPORTS CONTESTS AND LEAGUES; PROVIDING ONLINE FANTASY SPORTS NEWS INFORMATION; PROVIDING HOROSCOPE INFORMATION AND ENTERTAINMENT VIA COMPUTER NETWORKS; PROVIDING INFORMATION RELATING TO ELECTRONIC AND COMPUTER GAMES; PRODUCTION OF MUSIC VIDEO PROGRAMS FOR BROADCAST ON COMPUTER NETWORKS; ENTERTAINMENT SERVICES, NAMELY, PROVIDING A WEB SITE FEATURING MUSICAL PERFORMANCES, MUSICAL VIDEOS, FILM CLIPS, CELEBRITY INTERVIEWS, TALK SHOWS, TELEVISION SHOW PREVIEWS, PHOTOGRAPHS, AND OTHER MULTIMEDIA MATERIALS; PROVIDING PRERECORDED MUSIC, INFORMATION IN THE FIELD OF MUSIC, AND COMMENTARY AND ARTICLES ABOUT MUSIC, ALL VIA COMPUTER NETWORKS; PROVIDING INFORMATION REGARDING PHOTOGRAPHY, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 8-9-1995; IN COMMERCE 8-9-1995.

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

OWNER OF U.S. REG. NOS. 2,040,222, 2,559,219 AND OTHERS.

SER. NO. 76-571,500, FILED 1-21-2004.

ANDREW BENZMILLER, EXAMINING ATTORNEY

**Int. Cls.: 14, 16, 18, 21, 24, and 25**

**Prior U.S. Cls.: 1, 2, 3, 5, 13, 22, 23, 27, 28, 29, 30, 33, 37, 38, 39, 40, 41, 42, and 50**

**Reg. No. 3,060,552**

**United States Patent and Trademark Office**

**Registered Feb. 21, 2006**

**TRADEMARK  
PRINCIPAL REGISTER**

**YAHOO!**

YAHOO! INC. (DELAWARE CORPORATION)  
701 FIRST AVENUE  
SUNNYVALE, CA 94089

FOR: CLOCKS, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 2-0-2003; IN COMMERCE 2-0-2003.

FOR: WRAPPING PAPER, MEMO PADS, PLAYING CARDS, PENS AND PENCILS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 3-0-2002; IN COMMERCE 3-0-2002.

FOR: UMBRELLAS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 4-0-2002; IN COMMERCE 4-0-2002.

FOR: CUPS AND LUNCH BOXES, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 4-0-2003; IN COMMERCE 4-0-2003.

FOR: TOWELS, IN CLASS 24 (U.S. CLS. 42 AND 50).

FIRST USE 6-0-2004; IN COMMERCE 6-0-2004.

FOR: SOCKS, TIES, BOXER SHORTS, T-SHIRTS; HEADWEAR; AND FOOTWEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 2-0-2003; IN COMMERCE 2-0-2003.

OWNER OF U.S. REG. NOS. 1,572,204, 2,040,222, AND OTHERS.

SN 75-983,575, FILED 5-28-1997.

CHRISIE B. KING, EXAMINING ATTORNEY

**Int. Cls.: 9, 35, 36, 38, 39, 41, 42 and 43**

**Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101, 102, 104, 105 and 107**

**Reg. No. 3,097,162**

**United States Patent and Trademark Office**

**Registered May 30, 2006**

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**

**MY YAHOO!**

YAHOO! INC. (DELAWARE CORPORATION)  
701 FIRST AVENUE  
SUNNYVALE, CA 94089

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

FIRST USE 3-0-1998; IN COMMERCE 3-0-1998.

FOR: ADVERTISING AND BUSINESS SERVICES,  
NAMELY, ADVERTISING AND MARKETING; AD-  
VERTISING SERVICES, NAMELY, PLACING AD-  
VERTISEMENTS AND PROMOTIONAL DISPLAYS  
IN ELECTRONIC SITES ACCESSED VIA COMPU-  
TER NETWORKS; PROVIDING CAREER, EMPLOY-  
MENT, AND JOB PLACEMENT INFORMATION  
VIA THE INTERNET; PROVIDING CONSUMER  
PRODUCT INFORMATION VIA THE INTERNET;  
PROVIDING ONLINE AUCTION SERVICES; PRO-  
MOTING THE GOODS AND SERVICES OF OTHERS  
BY MEANS OF OPERATING AN ONLINE SHOP-  
PING MALL WITH LINKS TO THE RETAIL WEB  
SITES OF OTHERS; PROVIDING COMPARISON  
SHOPPING INFORMATION VIA THE INTERNET;  
PROVIDING HOTEL, RESORT, AND OTHER LOD-  
GING RATE COMPARISON INFORMATION; PRO-  
VIDING AN ONLINE COMMERCIAL  
INFORMATION DIRECTORY ON THE INTERNET;  
PROVIDING ONLINE DIRECTORY INFORMA-  
TION SERVICES ALSO FEATURING HYPERLINKS  
TO OTHER WEBSITES; PROVIDING INFORMA-  
TION REGARDING CHARITY VOLUNTEER PRO-  
GRAMS AND COMMUNITY SERVICE PROJECTS,  
IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 7-0-1996; IN COMMERCE 7-0-1996.

FOR: INSURANCE AND FINANCIAL SERVICES,  
NAMELY, PROVIDING INFORMATION REGARD-  
ING FINANCE, CURRENCY CONVERSION, REAL  
ESTATE, REAL ESTATE FINANCING, HOME SALE

VALUES, STOCK PRICES, INVESTING, AND MON-  
EY SAVING OFFERS; PROVIDING INFORMATION  
REGARDING AUTOMOBILE INSURANCE, LIFE  
INSURANCE, HEALTH INSURANCE, AND HOME-  
OWNERS INSURANCE; ELECTRONIC PAYMENT,  
NAMELY, ELECTRONIC PROCESSING AND  
TRANSMISSION OF BILL AND CREDIT CARD  
PAYMENT DATA; ELECTRONIC FUNDS TRANS-  
FER; FINANCIAL SERVICES, NAMELY, PROVID-  
ING CREDIT REPORTS AND CREDIT REPORT  
ANALYSIS INFORMATION, IN CLASS 36 (U.S.  
CLS. 100, 101 AND 102).

FIRST USE 7-0-1996; IN COMMERCE 7-0-1996.

FOR: COMMUNICATION SERVICES, NAMELY,  
ELECTRONIC TRANSMISSION OF DATA AND  
DOCUMENTS AMONG USERS OF COMPUTERS;  
BROADCASTING SERVICES, NAMELY, BROAD-  
CASTING OF AUDIO, VIDEO, AND MULTIMEDIA  
CONTENT VIA THE INTERNET; ELECTRONIC  
MAIL SERVICES; VOICE MAIL SERVICES; TELE-  
PHONE VOICE MESSAGING SERVICES; ELECTRO-  
NIC TRANSMISSION OF DATA, MESSAGES,  
IMAGES, AND DOCUMENTS; CHAT ROOM SER-  
VICES, NAMELY, PROVIDING ONLINE FACIL-  
ITIES FOR REAL-TIME INTERACTION WITH  
OTHER COMPUTER USERS CONCERNING TO-  
PICS OF GENERAL INTEREST; PROVIDING ELEC-  
TRONIC BULLETIN BOARDS AND MESSAGE  
BOARDS FOR TRANSMISSION OF MESSAGES  
AMONG COMPUTER USERS CONCERNING TO-  
PICS OF GENERAL INTEREST AND FOR PLAYING  
GAMES, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 9-0-1996; IN COMMERCE 9-0-1996.

FOR: TRAVEL INFORMATION SERVICES; TRA-  
VEL GUIDE SERVICES; TRAVEL AGENCY SERVI-  
CES, NAMELY, MAKING RESERVATIONS AND  
BOOKINGS FOR TRANSPORTATION; STORAGE

**Int. Cls.: 35, 37, 40, 41, 42, 43, 44 and 45**

**Prior U.S. Cls.: 100, 101, 102, 103, 106 and 107**

**Reg. No. 3,152,495**

**United States Patent and Trademark Office**

**Registered Oct. 10, 2006**

**SERVICE MARK  
PRINCIPAL REGISTER**

**YAHOO!**

YAHOO! INC. (DELAWARE CORPORATION)  
701 FIRST AVENUE  
SUNNYVALE, CA 94089

FOR: PROVIDING A WEBSITE IN THE FIELD OF EMPLOYMENT OPPORTUNITIES AND CAREER PLACEMENT WHICH OFFERS THE EXCHANGE OF INFORMATION; PROVIDING INFORMATION REGARDING CAREERS, EMPLOYMENT, AND JOB PLACEMENT; PROVIDING CONSUMER PRODUCT INFORMATION; PROVIDING COMPARISON SHOPPING INFORMATION; PROVIDING RATE COMPARISON INFORMATION FOR HOTELS, RESORTS, AND OTHER ACCOMMODATIONS; PROVIDING INFORMATION ABOUT AUTOMOBILES FOR SALE OR LEASE; PROVIDING DEMOGRAPHIC INFORMATION; AND PROVIDING ONLINE DIRECTORY INFORMATION SERVICES ALSO FEATURING HYPERLINKS TO OTHER WEBSITES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 6-1-1994; IN COMMERCE 6-1-1994.

FOR: PROVIDING SUBSTANTIVE INFORMATION REGARDING BUILDING CONSTRUCTION AND REPAIR SERVICES; PROVIDING SUBSTANTIVE INFORMATION REGARDING HOME CONSTRUCTION AND REPAIR SERVICES; PROVIDING SUBSTANTIVE INFORMATION REGARDING APPLIANCE REPAIR SERVICES; PROVIDING SUBSTANTIVE INFORMATION REGARDING HANDYMAN SERVICES; PROVIDING SUBSTANTIVE INFORMATION REGARDING PEST CONTROL SERVICES; PROVIDING SUBSTANTIVE INFORMATION REGARDING CLEANING SERVICES; AND PROVIDING SUBSTANTIVE INFORMATION REGARDING HOME MAINTENANCE, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FIRST USE 6-28-2002; IN COMMERCE 6-28-2002.

FOR: DIGITAL ENHANCEMENT OF PHOTOGRAPHS; PROVIDING INFORMATION REGARD-

ING PHOTOCOMPOSING SERVICES; PROVIDING INFORMATION REGARDING PHOTOGRAPHIC COMPUTER IMAGING; PHOTOGRAPHIC ENLARGING SERVICES; PHOTOGRAPHIC PRINTING SERVICES; DIGITAL IMAGING SERVICES; DOCUMENT DATA TRANSFER FROM ONE MEDIA TO ANOTHER; ELECTRONIC DIGITIZING OF PHOTOGRAPHS INTO A COMPUTER READABLE MEDIA; AND CUSTOM PRINTING OF DIGITAL PHOTOGRAPHS ONTO GIFT ITEMS, NAMELY, MUGS, T-SHIRTS, MOUSE PADS, PUZZLES, MAGNETS, AND POSTERS, IN CLASS 40 (U.S. CLS. 100, 103 AND 106).

FIRST USE 3-28-2000; IN COMMERCE 3-28-2000.

FOR: PROVIDING INFORMATION REGARDING FITNESS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 5-27-1999; IN COMMERCE 5-27-1999.

FOR: PROVIDING INFORMATION REGARDING CLINICAL TRIALS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 5-27-1999; IN COMMERCE 5-27-1999.

FOR: PROVIDING REVIEWS AND OTHER SUBSTANTIVE INFORMATION REGARDING FOOD AND DRINK ESTABLISHMENTS; PROVIDING REVIEWS AND OTHER SUBSTANTIVE INFORMATION REGARDING LODGING; AND PROVIDING REVIEWS AND SUBSTANTIVE INFORMATION REGARDING TEMPORARY ACCOMMODATIONS, IN CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 5-27-1999; IN COMMERCE 5-27-1999.

FOR: PROVIDING INFORMATION REGARDING LANDSCAPING AND YARD CARE; PROVIDING INFORMATION REGARDING HEALTH AND HEALTH CARE; PROVIDING INFORMATION REGARDING NUTRITION; PROVIDING INFORMATION REGARDING MEDICATIONS; PROVIDING