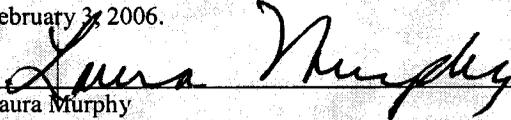


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD

TTAB

Certificate of Mailing Under 37 CFR §1.10

I hereby certify that this MOTION TO AMEND NOTICE OF OPPOSITION is being deposited with the U.S. Postal Service as Express Mail No. EV 706958125US in an envelope addressed to: Trademark Trial & Appeal Board, U.S. Patent & Trademark Office, P.O. Box 1451, Alexandria, Virginia 22313-1451 on February 3, 2006.


Laura Murphy

In re Serial No. 75-938,128

AMAZON.COM, INC.
1200 12th Avenue South, Suite 1200
Seattle, Washington 98144,

Opposer,

Opposition No. 91,122,000

v.

VON ERIC LERNER KALAYDJIAN
4226 Scandia Way
Los Angeles, California 90065,

Applicant.

Trademark Trial & Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

MOTION TO AMEND NOTICE OF OPPOSITION

Opposer/Petitioner, Amazon.com, Inc. ("Amazon.com"), moves to amend its Notice of Opposition to United States Trademark Application Serial No. 75/938,128 for "COSMETICSAMAZON" (the "Proposed Mark"), pursuant to Rule 2.107 of the Rules of Practice of the Patent and Trademark Office and Fed. R. Civ. P. 15,. Amazon.com seeks to file a First Amended Notice of Opposition ("Amended Notice") reflecting the following: (1) the issuance of registrations for trademark applications pleaded in Amazon.com's Notice of



Opposition; (2) the issuance of Notices of Allowance for trademark applications pleaded in Amazon.com's Notice of Opposition; (3) the issuance of six additional registrations for marks comprising or incorporating the term "AMAZON" issued after Amazon.com filed its Notice of Opposition; and (4) additional facts concerning the use of the Amazon.com Marks in connection with the sale, distribution and promotion of products related to health and beauty. Amazon.com's Amended Notice omits: (1) Amazon.com's trademark applications that are no longer under consideration for registration by the USPTO; and (2) Amazon.com's trademark dilution claim, which Amazon.com hereby withdraws.

The motion is made on the ground that Amazon.com's Amended Notice will cause no prejudice to the Applicant because: the Amended Notice presents no new cause of action or legal theory; the Amended Notice merely updates Amazon.com's Notice of Opposition to reference trademark registrations issued after Amazon.com's Notice was filed and to include additional facts to clarify Amazon.com's claims; Amazon.com's Notice of Opposition gave notice to Applicant of the trademark applications referenced therein and of Amazon.com's argument that the Amazon.com Marks are used on health and beauty products competitive with and/or related to the Applicant's goods and services; the parties have not taken testimony or submitted trial briefs in this matter and Applicant will have the full opportunity to present facts and evidence to support his defense at trial; and any threatened prejudice to Applicant can be cured by reopening discovery for the benefit of Applicant.

As further grounds for the motion, Amazon.com submits that: this matter was stayed for over half of the time during which it has been pending; the present motion addressing the status of all of Amazon.com's trademark registrations and pending trademark applications for marks incorporating the term "Amazon" serves judicial economy; and judicial economy is further

served by the consolidation with the present proceeding of the question of damage caused by the Proposed Mark to Amazon.com's registered marks cited in Amazon.com's First Amended Notice of Opposition, but not pleaded in Amazon.com's Notice of Opposition, because of the identical issues presented by the marks.

Amazon.com's motion is supported by Amazon.com's Memorandum in Support of Motion to Amend Notice of Opposition, filed concurrently herewith; the Affidavit of Sarah Silbert in Support of Amazon.com's Motion to Amend Notice of Opposition, filed concurrently herewith; Amazon.com's First Amended Notice of Opposition, filed concurrently herewith; the exhibits thereto; and the pleadings herein.

Respectfully Submitted,



DATED: February 3, 2006

John C. Rawls
Sarah Silbert
FULBRIGHT & JAWORSKI L.L.P.
Attorneys for Petitioner Amazon.com, Inc.
555 S. Flower Street, Floor 41
Los Angeles, California 90071
Telephone: (213) 892-9237
Facsimile: (213) 680-4518

CERTIFICATE OF SERVICE

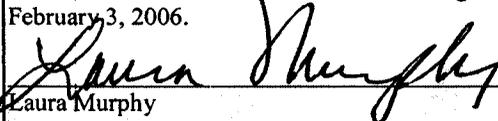
I, Laura Murphy, hereby certify that I have mailed a true and correct copy of the foregoing MOTION TO AMEND NOTICE OF OPPOSITION, with sufficient postage affixed, on this 3d day of February, 2006, to the Respondent herein at the address 4226 Scandia Way, Los Angeles, California 90065-4329.

Laura Murphy
Laura Murphy

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD

Certificate of Mailing Under 37 CFR §1.10

I hereby certify that this MOTION TO AMEND NOTICE OF OPPOSITION is being deposited with the U.S. Postal Service as Express Mail No. EV706958125US in an envelope addressed to: Trademark Trial & Appeal Board, U.S. Patent & Trademark Office, P.O. Box 1451, Alexandria, Virginia 22313-1451 on February 3, 2006.


Laura Murphy

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AMAZON.COM, INC.
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Opposer,

Opposition No. 91,122,000

v.

VON ERIC LERNER KALAYDJIAN
4226 Scandia Way
Los Angeles, California 90065,

Applicant.

Trademark Trial & Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

MEMORANDUM IN SUPPORT OF
MOTION TO AMEND NOTICE OF OPPOSITION

Opposer/Petitioner, Amazon.com, Inc. ("Amazon.com"), hereby moves to amend its Notice of Opposition in the above-captioned case, pursuant to Rule 2.107 of the Rules of Practice of the Patent and Trademark Office and Rule 15 of the Federal Rules of Civil Procedure. Amazon.com seeks to file a First Amended Notice of Opposition ("Amended Notice"), a signed copy of which is filed concurrently herewith, reflecting the following actions of the United States

Patent and Trademark Office (“USPTO”) after Amazon.com filed its Notice of Opposition: (1) the issuance of registrations for trademark applications pleaded in Amazon.com’s Notice of Opposition; (2) the issuance of Notices of Allowance for trademark applications pleaded in Amazon.com’s Notice of Opposition; and (3) the issuance of additional registrations for marks comprising or incorporating the term “AMAZON” (collectively, the “Amazon.com Marks”). Amazon.com further seeks to amend its Notice of Opposition to remove reference to Amazon.com’s trademark applications that are no longer under consideration for registration by the USPTO; to withdraw the cause of action for trademark dilution; and to reflect additional facts concerning the use of the Amazon.com Marks in connection with the sale, distribution and promotion of products related to health and beauty.

Motions to amend are to be granted liberally where no undue prejudice is shown. Amazon.com’s Amended Notice will cause no prejudice to Applicant. Indeed, Amazon.com’s Amended Notice presents no new cause of action or legal theory, but merely updates the Notice of Opposition to reference trademark registrations that issued after the Notice was filed, and includes additional facts to clarify Amazon.com’s claims. Prior to the filing of the instant motion, Applicant had notice of Amazon.com’s argument that the Amazon.com Marks are used on products related to health and beauty that are competitive with and/or related to the goods and services described in Applicant’s trademark application Serial No. 75-938,128 for “COSMETICSAMAZON” (“Proposed Mark”). Moreover, because the parties have not taken testimony or submitted trial briefs in this matter, Applicant will have the opportunity to present facts or evidence which he would have offered had the amendments been made earlier. Finally, if the Board finds that Amazon.com’s delay in filing its Motion to Amend threatens any prejudice to Applicant, denial of the request to amend would not be the appropriate response.

Rather, controlling authority mandates that such prejudice be cured by reopening discovery to allow Applicant further opportunity to investigate the new facts alleged in the Amended Notice.

Although this matter has been pending for five years, it was suspended for over half of that time pending the outcome of litigation between the parties. Moreover, judicial economy is served by the present Motion, rather than by the filing of dozens of Motions to Amend the Pleadings to address the changing status of each of Amazon.com's numerous trademark applications that were pending at the time it filed its Notice of Opposition.

In light of the foregoing, and the facts and discussion set forth *infra*, Amazon.com respectfully requests that its Motion to Amend be granted.

I. Procedural History

Amazon.com filed its Notice of Opposition on February 3, 2001. Silbert Affidavit in Support of Motion to Amend Notice of Opposition ("Silbert Aff."), ¶ 2 and Ex. A. On March 2, 2001, Amazon.com filed a lawsuit in the United States District Court for the Central District of California entitled *Amazon.com, Inc. v. Von Eric Lerner Kalaydjian d/b/a Amazon Cosmetics and Tan Products*, Case No. CV 01-02041 R (AIJx) (the "Action"). The Action concerned trademark infringement and related claims arising from the registration and use by Applicant/Respondent Von Eric Lerner Kalaydjian ("Applicant") of the domain name <amazontan.com>. *Id.*, ¶ 3. On September 25, 2001, the Trademark Trial and Appeal Board ("TTAB") suspended Amazon.com's Opposition to COSMETICSAMAZON pending the outcome of the Action. *Id.*, ¶ 4. In January 2002, the parties entered into a confidential settlement agreement disposing of the litigation.¹ On May 5, 2004, the TTAB resumed these

¹ Applicant no longer "owns" the <amazontan.com> domain name, and no longer operates a Web site from that Internet address. The settlement agreement, however, did not resolve the parties' dispute concerning the application for COSMETICSAMAZON. Silbert Aff., ¶ 5.

opposition proceedings. *Id.*, ¶ 6. Thus, although the instant Opposition has been pending for approximately five years, the proceedings were suspended for nearly three years of that time.

During the discovery period, Applicant repeatedly refused to provide adequate responses to Amazon.com’s discovery requests—even after the TTAB ruled in favor of Amazon.com on its Motion to Compel Discovery Responses—and propounded no discovery himself. *Id.*, ¶ 7-9. On August 1, 2005, after the close of discovery, but before the testimony period commenced, Amazon.com filed a Motion for Summary Judgment and a Motion for Sanctions for Applicant’s failure to meet his discovery obligations. *Id.*, ¶ 10. The TTAB denied Amazon.com’s Motion for Summary Judgment, but granted its motion for discovery sanctions. *Id.*, ¶ 11.

II. Registrations and Notices of Allowance Issued Subsequent to the Filing of Amazon.com’s Notice of Opposition.

After Amazon.com filed its Notice of Opposition, the USPTO issued registrations for the following marks pleaded in Amazon.com’s Notice:

MARK	SERIAL NUMBER	REGISTRATION NUMBER	REGISTRATION DATE
AMAZON.COM AUCTIONS	75/669,200	2,518,043	December 11, 2001
AMAZON.COM	75/790,047	2,903,561	November 16, 2004
AMAZON.COM & Design	75/895,252	2,696,140	March 11, 2003
AMAZON.COM & Design	75/895,247	2,884,547	September 14, 2004
AMAZON.COM & Design	75/895,245	2,684,128	February 4, 2003
AMAZON.COM & Design	75/895,237	2,789,101	December 2, 2003

MARK	SERIAL NUMBER	REGISTRATION NUMBER	REGISTRATION DATE
AMAZON.COM	75/895,250	2,970,898	July 19, 2005
AMAZON.COM ANYWHERE	75/795,215	2,503,498	November 6, 2001
AMAZON.COM AUCTIONS	75/979,673	2,521,161	December 18, 2001

See Amended Notice, ¶ 1 and Ex. A.

On December 20, 2005, after Amazon.com filed its Notice of Opposition, the USPTO issued Notices of Allowance for two of the marks pleaded in Amazon.com's Notice. Specifically, Notices of Allowances issued for Amazon.com's trademark application Serial No. 75/895,242 for AMAZON.COM & Design and for Amazon.com's trademark application Serial No. 75/830,396 for AMAZON.COM. Amazon.com's Amended Notice reflects the allowance of these marks, for which Amazon.com filed trademark applications prior to March 8, 2000, the date Applicant filed the trademark application for the Proposed Mark. *See id.*, ¶ 2 and Ex. B.

Amazon.com further seeks to amend its Notice of Opposition to reflect issuance by the USPTO of trademark registrations owned by Amazon.com for additional marks incorporating the name "AMAZON." *See id.*, ¶ 1 and Ex. A. Registrations for each of the following marks issued after Amazon.com filed its Notice of Opposition:

MARK	REGISTRATION NUMBER	REGISTRATION DATE
AMAZON.COM	2,837,138	April 27, 2004
AMAZON	2,832,943	April 13, 2004

MARK	REGISTRATION NUMBER	REGISTRATION DATE
AMAZON.COM OUTLET	2,649,373	November 23, 2002
AMAZON AUCTIONS	2,924,035	February 1, 2005
AMAZON.COM	2,559,936	April 9, 2002
AMAZON.COM AUCTIONS	2,508,123	November 13, 2001
AMAZON.COM	2,633,281	October 8, 2002
AMAZON	2,657,226	December 3, 2002
AMAZON	2,738,838	July 15, 2003
AMAZON	2,738,837	July 15, 2003
AMAZON	2,857,590	June 29, 2004

The "AMAZON" portion of the Amazon.com Marks is the dominant part thereof and is identical to the dominant portion of Applicant's COSMETICSAMAZON mark. Consequently, as stated in Paragraph 11 of Amazon.com's Amended Notice, Applicant's Proposed Mark so nearly resembles Amazon.com's marks as to (i) give rise to the mistaken belief by members of the public that Applicant's goods originate from or are in some way associated with Amazon.com, the Amazon.com Marks and/or the goods and services that Amazon.com offers under the Amazon.com Marks; and/or (ii) cause members of the public to be confused and

deceived as to source, origin, affiliation and sponsorship of Applicant's goods or services offered under the Proposed Mark. *See id.*, ¶ 11.

The date that this proceeding was initiated, the above-described registrations were not issued until after the present proceeding was instituted, and trademark application Serial Nos. 75/895,242 and 75/830,396 did not pass to allowance until December 20, 2005. *See id.*, Ex. ¶ 2 and Ex. B.

III. Withdrawal of Cause of Action for Trademark Dilution.

Amazon.com wishes to withdraw its claim for trademark dilution in this matter. The Amended Notice of Opposition does not include a claim for trademark dilution.

IV. Trademark Applications No Longer Under Consideration by the USPTO.

Amazon.com seeks to amend its Notice of Opposition to omit reference to trademark application Serial Number 75/662,416 for AMAZON.COM and Serial Number 75/895,226 for AMAZON.COM HOTLISTS. Neither of these applications remain under consideration for registration by the USPTO, and both have been given "abandoned" status by the USPTO.

V. Additional Facts Concerning the Use of the Amazon.com Marks in Connection with the Sale, Distribution and Promotion of Products Related to Health and Beauty.

Paragraph 3 of Amazon.com's Notice of Opposition states that, "[a]mong other things, the Amazon.com Site sells, distributes and promotes products related to health and beauty." Silbert Aff., Ex. A. On December 22, 2005, the Trademark Trial and Appeal Board issued a decision denying Amazon.com's Motion for Summary Judgment based, in part, on the absence of certain facts in Amazon.com's Notice of Opposition concerning Amazon.com's use of the Amazon.com Marks in connection with such products.

Amazon.com's Amended Notice pleads additional facts relating to Amazon.com's use of the Amazon.com Marks in connection with the goods and services in the trademark application for the Proposed Mark. Specifically, Amazon.com's Amended Notice reflects that:

- Prior to the filing date of the application for the Proposed Mark, Amazon.com broadened the selection of products available on the Amazon.com Site to include goods and services described in the COSMETICSAMAZON application. *See* Amended Notice, ¶ 7. Specifically, On January 24, 2000, Amazon.com created a strategic alliance with Drugstore.com, which allowed Amazon.com's customers to purchase health, beauty, and personal care products, including the goods and services described in the application for COSMETICSAMAZON. *See id.*, ¶ 8.
- Amazon.com continues to offer for sale health, beauty, and personal care products, including the goods and services described in the application for COSMETICSAMAZON, on the Amazon.com Site. *See id.*, ¶¶ 7, 8.
- There exist very few registrations using the term "Amazon" on cosmetics, soaps or fragrances (other than registrations owned and used exclusively by Amazon.com). Amazon.com owns registrations for AMAZON.COM, Ser. No. 2,837,138, AMAZON, Ser. No. 2,832,943, and AMAZON.COM OUTLET, Ser. No. 2,649,373, for services featuring, among other things, "soaps, perfumery, cosmetics" and "cosmetic utensils." *See id.*, ¶ 9. Other than marks owned by Amazon.com, the only other registration using the word "Amazon" on cosmetics, soaps or fragrances, is the mark AMAZON CARE CHEMICALS, Registration No. 2,647,847, and the only other registrations using "Amazon" on soaps or fragrance products are the marks AMAZONE & Design, Registration No.

1,636,608, and AMAZON FACTORY THE MYSTERIES & MAGIC OF THE RAIN FOREST and design, Registration No. 2,948,013. *See id.*, ¶ 10.

VI. Discussion

Rule 15(a) of Fed. R. Civ. P. provides that leave to amend a pleading is to be liberally granted. The Supreme Court has specifically held that courts are to heed Rule 15(a)'s mandate that amendments are to be granted "freely." *Foman v. Davis*, 371 U.S. 178, 182 (1962). The grounds upon which a court may deny a motion to amend a pleading are limited to extreme circumstances, such as amendments that would result in unfair prejudice, or that would be futile even if granted. *Id.*

Mere delay in bringing the motion is not a basis for denial of a proposed amended pleading. *General Electric Co. et al. v. Sargent & Lundy et al.*, 916 F. 2d 1119, 1130 (6th Cir. 1990). Rather, the non-moving party must affirmatively demonstrate that the delay will unfairly prejudice the non-moving party or deprive it of the opportunity to present facts or evidence which it would have offered had the amendments been made earlier. *Heyl & Patterson Int'l, Inc. v. F.D. Rich Housing of the Virgin Islands, Inc. et al.*, 663 F. 2d 419, 426 (3d Cir. 1981) (holding that district court did not abuse its discretion in allowing amendments to the pleading after trial had commenced).

It is the practice of the Patent and Trademark Office to grant motions to amend liberally where no undue prejudice is shown, or even where prejudice can be remedied by reopening discovery. *See, e.g., Caron Corp. v. Helena Rubenstein, Inc.*, 193 U.S.P.Q. (BNA) 113, 114 (TTAB 1976) (granting motion to amend five months after close of discovery and before either party had taken testimony); *Space Base, Inc. v. Stadis Corporation*, 17 U.S.P.Q. 2d (BNA) 1216 (TTAB 1990) (granting opposer's motion to amend during testimony period in the interests of

justice and judicial economy since any prejudice to applicant could be mitigated by a reopening of discovery solely for applicant's benefit); *Anheuser-Busch, Inc. v. Martinez*, 185 U.S.P.Q. (BNA) 434, 435 (TTAB 1975) (amendment of pleadings prior to trial would not prejudice non-moving party; discovery period reopened to allow non-moving party to explore new issue prior to taking testimony); *Mack Trucks, Inc. v. Monroe Auto Equipment Co.*, 182 U.S.P.Q. (BNA) 511 (TTAB 1974) (Applicant not unduly prejudiced by opposer's amendment to notice of opposition to rely on additional marks because no testimony in the case had yet been taken); *Cool-Ray, Inc. v. Eye Care, Inc.*, 183 USPQ (BNA) 618 (TTAB 1974) (no prejudice to applicant where amendment sought prior to trial period).

Applicant will suffer no prejudice as a result of Amazon.com's Amended Notice. No new legal theory is presented; rather, the primary purpose of the amendment is to insure that iterations of the Amazon.com Marks that did not mature into issued trademark registrations until after Amazon.com's Opposition was filed are before the Board,² and to include facts clarifying Amazon.com's cause of action for trademark infringement. See *Cool-Ray, Inc.*, 183 USPQ at 621 (no prejudice to applicant where amendment offered not for purpose of adding new cause of action, "but rather simply to clarify opposer's pleading of its claim of damage"). Amazon.com's Notice of Opposition provided Applicant with notice that Amazon.com intends to argue that the Proposed Mark creates a likelihood of confusion because, among other things, the parties offer competitive and/or related goods and services, specifically, products related to health and beauty. Silbert Aff., ¶ 2 and Ex. A. Applicant therefore had ample opportunity to propound discovery seeking facts concerning the Amazon.com Marks and the goods and services in connection with which Amazon.com uses the Amazon.com Marks. Applicant propounded no such discovery

² Amazon.com's Notice identified specifically the majority of the marks described in Section II, *supra*.

during the discovery period, however, Amazon.com is willing to consent to the reopening of discovery for the sole benefit of Applicant, so that he may discover evidence and information concerning the registrations, notices of allowance and additional facts regarding Amazon.com's use of the Amazon.com Marks described herein.

Neither party has taken testimony or submitted trial briefs in this matter. Thus, Applicant has sufficient notice to allow him to prepare a defense based on the Amended Notice, and will not be deprived of the opportunity to present facts or evidence which he would have offered had the amendments been made earlier.

Amazon.com's delay in filing the instant Notice to Amend is explained, in part, by the fact that this matter was stayed for a very extended period of time; *i.e.*, nearly three of the approximately five years during which this matter has been pending. *Id.*, ¶¶ 2-6. Moreover, given the multitude of Amazon.com Marks, judicial economy is better served by the present Motion to Amend Notice of Opposition addressing the status of all of the Amazon.com Marks than by the filing by Amazon.com of potentially dozens of motions to each time one of the Amazon.com Marks became the subject of a Notice of Allowance or Registration by the USPTO. Judicial economy is further served by the consolidation with the present proceeding of the question of damage caused by the Proposed Mark to Amazon.com's registered marks cited herein, but not pleaded in Amazon.com's Notice, because of the identical issues presented by the marks.

In view thereof, it is respectfully requested that Opposer's Motion to Amend be granted.
the Commissioner for Trademarks is hereby authorized to deduct the additional fees from
Fulbright & Jaworski Account No. 50-1212/10402199.

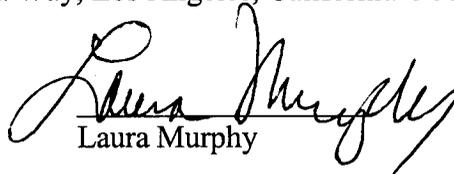
DATED: February 3, 2006



John C. Rawls
Sarah Silbert
FULBRIGHT & JAWORSKI L.L.P.
Attorneys for Petitioner Amazon.com, Inc.
555 S. Flower Street, Floor 41
Los Angeles, California 90071
Telephone: (213) 892-9200
Facsimile: (213) 892-9494

CERTIFICATE OF SERVICE

I, Laura Murphy, hereby certify that I have mailed a true and correct copy of the foregoing MEMORANDUM IN SUPPORT OF MOTION TO AMEND NOTICE OF OPPOSITION, with sufficient postage affixed, on this 3d day of February, 2006, to the Respondent herein at the address 4226 Scandia Way, Los Angeles, California 90065-4329.


Laura Murphy

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD

Certificate of Mailing Under 37 CFR §1.10

I hereby certify that this AFFIDAVIT OF SARAH SILBERT IN SUPPORT OF AMAZON.COM'S MOTION TO AMEND NOTICE OF OPPOSITION is being deposited with the U.S. Postal Service as Express Mail No. EV706958125US in an envelope addressed to: Trademark Trial & Appeal Board, U.S. Patent & Trademark Office, P.O. Box 1451, Alexandria, Virginia 22313-1451 on February 3, 2006.

Laura Murphy

In re Serial No. 75-938,128

AMAZON.COM, INC.
1200 12th Avenue South, Suite 1200
Seattle, Washington 98144,

Opposer,

v.

VON ERIC LERNER KALAYDJIAN
4226 Scandia Way
Los Angeles, California 90065,

Applicant.

Opposition No. 91,122,000

Trademark Trial & Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

**AFFIDAVIT OF SARAH SILBERT IN SUPPORT OF AMAZON.COM'S
MOTION FOR TO AMEND NOTICE OF OPPOSITION**

I, Sarah Silbert, declare:

1. I am an attorney duly licensed to practice in the courts of the State of California. I am an associate at Fulbright & Jaworski L.L.P. ("Fulbright"), counsel of record for Amazon.com, Inc. ("Amazon.com") in this action. I have personal knowledge of the facts set forth in this affidavit, and if called upon to do so, I could and would competently testify to them.

2. Amazon.com filed a Notice of the instant Opposition No. 91,122,000 on February 3, 2001. A true and correct copy of Amazon.com's Notice of Opposition is attached hereto as Exhibit A.

3. On March 2, 2001, Amazon.com filed a lawsuit in the United States District Court for the Central District of California entitled *Amazon.com, Inc. v. Von Eric Lerner Kalaydjian d/b/a Amazon Cosmetics and Tan Products*, Case No. CV 01-02041 R (AIJx) (the "Action"). The complaint in the Action alleged, among other things, claims for trademark infringement, trademark dilution and violation of the Anticybersquatting Consumer Protection Act arising from the registration and use by Applicant/Respondent Von Eric Lerner Kalaydjian ("Applicant") of the domain name <amazontan.com>.

4. On September 25, 2001, the Trademark Trial and Appeal Board ("TTAB") suspended Amazon.com's Opposition No. 91,122,000 pending the outcome of the Action.

5. In January 2002, the parties entered into a confidential settlement agreement disposing of the litigation. Applicant no longer "owns" the <amazontan.com> domain name, and no longer operates a Web site from that Internet address. The settlement agreement did not resolve the parties' dispute concerning the application to register COSMETICSAMAZON as a trademark at issue in this Opposition.

6. On May 5, 2004, the TTAB resumed opposition proceedings for Opposition No. 91,122,000.

7. During the discovery period of this matter, Applicant repeatedly refused to provide adequate responses to Amazon.com's discovery requests, and propounded no discovery of his own.

8. On or about April 12, 2005, this Board granted Amazon.com's Motion to Compel discovery responses and issued an order ("Order") requiring the Applicant to serve a full response to Amazon.com's Interrogatory No. 1 within thirty (30) days from the date of mailing of the Order, resulting in a response deadline of May 12, 2005.

9. As of May 12, 2005, Amazon.com still had not received any response whatsoever to Interrogatory No. 1 from Applicant.

10. On August 1, 2005, Amazon.com filed a Motion for Summary Judgment and a Motion for Sanctions for Applicant's failure to meet his discovery obligations.

11. On December 22, 2005, the TTAB denied Amazon.com's Motion for Summary Judgment, but granted Amazon.com's motion for discovery sanctions.

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

Dated: February 3, 2006


Sarah Silbert

CERTIFICATE OF SERVICE

I, Laura Murphy, hereby certify that I have mailed a true and correct copy of the foregoing AFFIDAVIT OF SARAH SILBERT IN SUPPORT OF AMAZON.COM'S MOTION TO AMEND NOTICE OF OPPOSITION, with sufficient postage affixed, on this 3d day of February, 2006, to the Respondent herein at the address 4226 Scandia Way, Los Angeles, California 90065-4329.

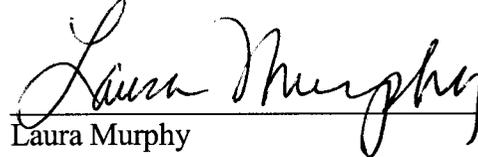

Laura Murphy

EXHIBIT A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

AMAZON.COM, INC.
1200 12th Avenue South, Suite 1200
Seattle, Washington 98144,

Opposer,

v.

VON ERIC LERNER KALAYDJIAN
4226 Scandia Way
Los Angeles, California 90065,

Applicant.

In the Matter of Application
Serial No. 75-938128

Published in the Official Gazette December 5,
2000

Opposition No. _____

NOTICE OF OPPOSITION BY
AMAZON.COM, INC.

Box TTAB FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

Amazon.com, Inc. ("Amazon.com") hereby opposes Application Serial No. 75-938128,
filed by Von Eric Lerner Kalaydjian ("Applicant") seeking registration of the mark
"COSMETICSAMAZON."

As grounds of opposition, it is alleged that:

1. Amazon.com is a corporation organized and existing under the laws of the State of Delaware. Amazon.com is the owner of the following United States Trademark Registrations (the "Amazon.com Marks"):

**Exhibit A- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**

REGISTERED MARK	REGISTRATION NO.
Amazon.com	2,078,496
Amazon.com	2,167,345
Amazon.com Books	2,078,494

2. Amazon.com filed the following pending applications for United States Trademark Registrations prior to Applicant's filing of Application Serial No. 75-938128:

MARK	APPLICATION SERIAL NO.
Amazon.com	75-662416
Amazon.com Auctions	75-669200
Amazon.com	75-790047
Amazon.com	75-895252
Amazon.com	75-895247
Amazon.com	75-895245
Amazon.com	75-895242
Amazon.com	75-895237
Amazon.com Hotlists	75-895226
Amazon.com	75-895250
Amazon.com	75-830396
Amazon.com Anywhere	75-795215
Amazon.com Auctions	75-979673

3. Amazon.com is engaged in the business of, among other things, selling goods and services over the global computer network known as the Internet. Amazon.com operates a Web site from the Internet address <amazon.com> ("Amazon.com Site"), which is accessible to computer users throughout the United States. The Amazon.com Site allows users to access information regarding Amazon.com and the products and services it offers, and to purchase a wide selection of products, including books, toys, music videos, software, tools and hardware and home electronics. Among other things, the Amazon.com Site sells, distributes and promotes products related to health and beauty. Amazon.com makes use of the Amazon.com Marks to identify and denote the source of the goods and services it offers.

4. Amazon.com has built up a valuable reputation and tremendous goodwill in the Amazon.com Marks as applied to and used in connection with Amazon.com's business.

5. On information and belief, Applicant is an individual doing business as Amazon Cosmetics and Tan Products whose address is: 4226 Scandia Way, Los Angeles, California 90036.

6. Applicant has filed an application, Serial No. 75-938128, to register the mark "COSMETICSAMAZON" ("Proposed Mark") in International Class 35 for goods and services described as "retail store and on-line ordering services featuring skin tanning preparations, namely, lotions, creams, gels and oils, sunblock lotion to be applied to the skin and lips, cosmetics and skin cleaning preparations, namely, facial soap, body soap, bath oil, hair shampoos and conditioners, skin lotions, face and body cleansers, colognes, eau de toilette, and perfumes."

7. Applicant's Proposed Mark is confusingly similar to Amazon.com's registered Amazon.com Marks. Moreover, Amazon.com would be damaged by the registration of the Proposed Mark within the meaning of Section 1063 of Title 15, United States Code. Among other things, the registration and use by Applicant of the Proposed Mark on the goods described in Application Serial No. 75-938128 is likely to: (i) give rise to the mistaken belief by members

of the public that Applicant's goods originate from or are in some way associated with Amazon.com, the Amazon.com Marks and/or the goods and services that Amazon.com offers under the Amazon.com Marks; and/or (ii) cause members of the public to be confused and deceived as to source, origin, affiliation and sponsorship of Applicant's goods or services offered under the Proposed Mark. Amazon.com believes that Applicant's registration and use of the Proposed Mark for the goods and services set forth above will continue to damage Amazon.com's established good will and reputation.

8. The Amazon.com Marks have become and continue to be famous within the meaning of 15 U.S.C. § 1125(c). Moreover, Amazon.com would be damaged by the registration of the Proposed Mark within the meaning of Section 1063 of Title 15, United States Code. Among other things, the registration and use by Applicant of the Proposed Mark on the goods described in Application Serial No. 75-938128 is likely to cause dilution of the distinctive quality of the Amazon.com Marks and lessen the capacity of such marks to identify and distinguish Amazon.com's goods and services.

9. Registration of the mark sought to be registered in Application Serial No. 75-938128 is barred by provisions of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d), in that it consists of or comprises a mark which so resembles a mark previously registered and used in the United States by Amazon.com on related services, and not abandoned, as to be likely to cause confusion, or to cause mistake or to deceive.

WHEREFORE Amazon.com respectfully prays that the registration sought by the Applicant be refused and that this opposition be sustained.

Dated: February 2, 2001

JONES, DAY, REAVIS & POGUE

By: 
Sarah Silbert
Attorneys for Opposer
AMAZON.COM, INC.

Certificate of Mailing by "Express Mail"

"Express Mail" Mailing Label Number: EL351551840US

Date of Deposit: February 3, 2001

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage on the date indicated above and is addressed to: Box TTAB FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513."

Name of Person Signing Certificate: Chuesca Tartalone

Signature: 

Date of Signing: 2-3-01

**Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**

Attorney: Sarah Silbert

Check _____

Paper: Notice of Opposition By
Amazon.com, Inc.

Filed in the United
States Trademark Office
on

Date: 2/3/01 Due: _____

S.N.: _____

File: 039323 600005

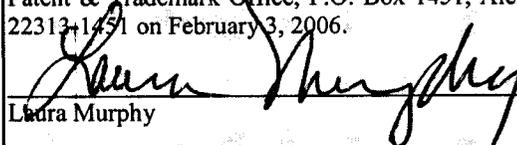
Title: Amzon.com, Inc.

Applicant: Von Eric Lerner Kalaydjian

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD**

Certificate of Mailing Under 37 CFR §1.10

I hereby certify that this FIRST AMENDED NOTICE OF OPPOSITION BY AMAZON.COM, INC. is being deposited with the U.S. Postal Service as Express Mail No. EV 706958125US in an envelope addressed to: Trademark Trial & Appeal Board, U.S. Patent & Trademark Office, P.O. Box 1451, Alexandria, Virginia 22313-1451 on February 3, 2006.


Laura Murphy

In re Serial No. 75-938,128

AMAZON.COM, INC.
1200 12th Avenue South, Suite 1200
Seattle, Washington 98144,

Opposer,

v.

VON ERIC LERNER KALAYDJIAN
4226 Scandia Way
Los Angeles, California 90065,

Applicant.

In the Matter of Application
Serial No. 75-938128

Published in the Official Gazette December 5,
2000

Opposition No. 91,122,000

**FIRST AMENDED NOTICE OF
OPPOSITION BY AMAZON.COM, INC.**

Trademark Trial & Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1451
Alexandria, Virginia 22313-1451

Amazon.com, Inc. ("Amazon.com") hereby opposes Application Serial No. 75/938,128, filed by Von Eric Lerner Kalaydjian ("Applicant") seeking registration of the mark "COSMETICSAMAZON."

As grounds of opposition, it is alleged that:

1. Amazon.com is a corporation organized and existing under the laws of the State of Delaware. Amazon.com is the owner of the following United States Trademark Registrations (the "Amazon.com Marks"):

REGISTERED MARK	REGISTRATION NO.
Amazon.com	2,078,496
Amazon.com	2,167,345
Amazon.com Books	2,078,494
Amazon.com	2,837,138
Amazon	2,832,943
Amazon.com Outlet	2,649,373
Amazon.com	2,633,281
Amazon	2,657,226
Amazon	2,738,838
Amazon	2,738,837
Amazon	2,857,590
Amazon.com Auctions	2,518,043
Amazon.com	2,903,561
Amazon.com & Design	2,696,140
Amazon.com & Design	2,884,547
Amazon.com & Design	2,684,128
Amazon.com & Design	2,789,101
Amazon.com	2,970,898

Amazon.com Anywhere	2,503,498
Amazon.com Auctions	2,521,161
Amazon Auctions	2,924,035
Amazon.com	2,559,936
Amazon.com Auctions	2,508,123

True and correct copies of certified title and status registrations for these trademarks are attached hereto as Exhibit A.

2. Amazon.com filed the following pending applications for United States Trademark Registrations prior to Applicant's filing of Application Serial No. 75-938128:

MARK	APPLICATION SERIAL NO.
Amazon.com	75/895,242
Amazon.com	75/830,396

On December 20, 2005, the USPTO issued Notices of Allowance for these marks. True and correct copies of print-outs from the Trademark Electronic Search System on the USPTO Web site, at the URL <uspto.gov>, showing the current status of these applications are attached hereto as Exhibit B.

3. Amazon.com is engaged in the business of, among other things, selling goods and services over the global computer network known as the Internet. Amazon.com operates a Web site from the Internet address <amazon.com> ("Amazon.com Site"), which is accessible to computer users throughout the United States. The Amazon.com Site allows users to access information regarding Amazon.com and the products and services it offers, and to purchase a wide selection of products, including books, toys, music videos, software, tools and hardware

and home electronics. Among other things, the Amazon.com Site sells, distributes and promotes products related to health and beauty. Amazon.com makes use of the Amazon.com Marks to identify and denote the source of the goods and services it offers.

4. Amazon.com has built up a valuable reputation and tremendous goodwill in the Amazon.com Marks as applied to and used in connection with Amazon.com's business.

5. On information and belief, Applicant is an individual doing business as Amazon Cosmetics and Tan Products whose address is: 4226 Scandia Way, Los Angeles, California 90036.

6. On March 8, 2000, Applicant filed an application, Serial No. 75-938128, to register the mark "COSMETICSAMAZON" ("Proposed Mark") in International Class 35 for goods and services described as "retail store and on-line ordering services featuring skin tanning preparations, namely, lotions, creams, gels and oils, sunblock lotion to be applied to the skin and lips, cosmetics and skin cleaning preparations, namely, facial soap, body soap, bath oil, hair shampoos and conditioners, skin lotions, face and body cleansers, colognes, eau de toilette, and perfumes."

7. When Amazon.com opened its cyber-doors in 1995, its site primarily featured books. However, prior to the March 8, 2000 filing by Applicant of his application to register "COSMETICSAMAZON," Amazon.com expanded its operations to include an exceptionally broad selection of products, from books to DVDs, to electronics, to health, beauty and personal care products, to toys to jewelry to clothing, including the goods and services described in the application for COSMETICSAMAZON.

8. On January 24, 2000, Amazon.com announced a strategic alliance with Drugstore.com, which allowed Amazon.com's customers to purchase health, beauty, and

personal care products, including skin tanning preparations, cosmetics, skin cleaning preparations, and perfumes, from Drugstore.com on the Amazon.com online retail store. Amazon.com continues to offer for sale products in each of these categories on the Amazon.com Site.

9. There exist very few registrations using the term “Amazon” cosmetics, soaps or fragrances other than registrations owned and used exclusively by Amazon.com. Amazon.com owns the following registrations for services featuring, among other things, “soaps, perfumery, cosmetics” and “cosmetic utensils:”

REGISTERED MARK	REGISTRATION NO.
Amazon.com	2,837,138
Amazon	2,832,943
Amazon.com Outlet	2,649,373

10. Other than the marks set forth in Paragraph 9, *supra*, the only other registration using the word “Amazon” on “cosmetics,” “makeup,” “make up,” or “make-up” is the mark AMAZON CARE CHEMICALS, Registration No. 2,647,847, and the only other registrations using “Amazon” on soaps, cleanses or fragrance products are the marks AMAZONE & Design, Registration No. 1,636,608, and AMAZON FACTORY THE MYSTERIES & MAGIC OF THE RAIN FOREST & Design, Registration No. 2,948,013.

11. Applicant’s Proposed Mark is confusingly similar to Amazon.com’s registered Amazon.com Marks. Moreover, Amazon.com would be damaged by the registration of the Proposed Mark within the meaning of Section 1063 of Title 15, United States Code. Among

other things, the registration and use by Applicant of the Proposed Mark on the goods described in Application Serial No. 75-938128 is likely to: (i) give rise to the mistaken belief by members of the public that Applicant's goods originate from or are in some way associated with Amazon.com, the Amazon.com Marks and/or the goods and services that Amazon.com offers under the Amazon.com Marks; and/or (ii) cause members of the public to be confused and deceived as to source, origin, affiliation and sponsorship of Applicant's goods or services offered under the Proposed Mark. Amazon.com believes that Applicant's registration and use of the Proposed Mark for the goods and services set forth above will continue to damage Amazon.com's established good will and reputation.

13. Registration of the mark sought to be registered in Application Serial No. 75-938128 is barred by provisions of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d), in that it consists of or comprises a mark which so resembles a mark previously registered and used in the United States by Amazon.com on related services, and not abandoned, as to be likely to cause confusion, or to cause mistake or to deceive.

WHEREFORE Amazon.com respectfully prays that the registration sought by the Applicant be refused and that this opposition be sustained.

Dated: February 3, 2006



John C. Rawls
Sarah Silbert
FULBRIGHT & JAWORSKI L.L.P.
Attorneys for Petitioner Amazon.com, Inc.
555 S. Flower Street, Floor 41
Los Angeles, California 90071
Telephone: (213) 892-9200
Facsimile: (213) 892-9494

CERTIFICATE OF SERVICE

I, Laura Murphy, hereby certify that I have mailed a true and correct copy of the foregoing FIRST AMENDED NOTICE OF OPPOSITION OF AMAZON.COM, with sufficient postage affixed, on this 3d day of February, 2006, to the Respondent herein at the address 4226 Scandia Way, Los Angeles, California 90065-4329.

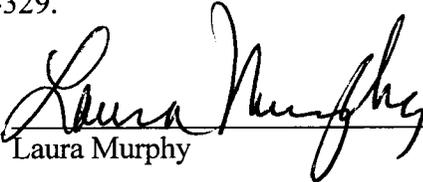
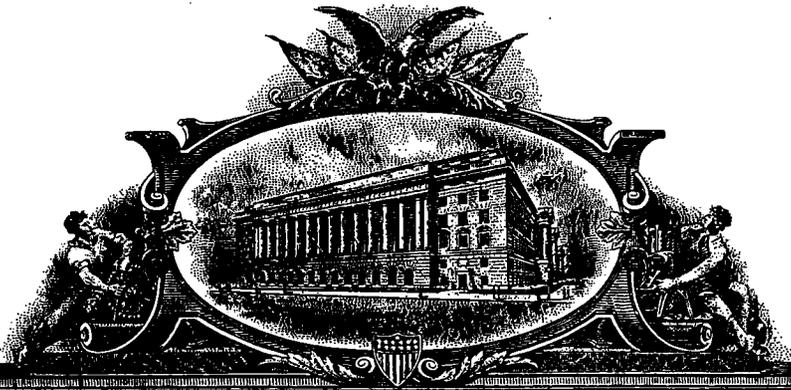

Laura Murphy

EXHIBIT A

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

January 13, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,837,138 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *April 27, 2004*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office

M. Tarver

M. TARVER
Certifying Officer



Int. Cl.: 35

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

Reg. No. 2,837,138

United States Patent and Trademark Office

Registered Apr. 27, 2004

**SERVICE MARK
PRINCIPAL REGISTER**

AMAZON.COM

AMAZON.COM, INC. (DELAWARE CORPORATION)
SUITE 1200, 12TH AVE. SOUTH
SEATTLE, WA 981442734

FOR: AUCTIONEERING; AUTOMATED AND COMPUTERIZED TRADING OF GOODS AND SERVICES FOR OTHERS PROVIDED OVER A GLOBAL COMMUNICATION INFORMATION NETWORK; ONLINE RETAIL STORE SERVICES FEATURING BOOKS, MUSIC, VIDEOTAPES, AUDIOCASSETTES, COMPACT DISCS, FLOPPY DISCS AND CD-ROMS, PRINTED MATTERS, PHONOGRAPHS, RECORDED MUSIC, TOYS, HOUSEHOLD ELECTRONIC APPLIANCES; APPLIED ELECTRONIC MACHINES AND APPARATUS, PHOTOGRAPHY INSTRUMENTS, MUSICAL INSTRUMENTS AND FITTINGS THEREOF; PHOTOGRAPHS, STATIONERY, JEWELRY, HOROLOGICAL INSTRUMENTS AND PARTS THEREOF, MOTOR VEHICLES AND PARTS AND ACCESSORIES THEREOF, MANUAL AND POWER TOOLS, MEASURING INSTRUMENTS, PHYSICAL AND CHEMICAL INSTRUMENTS, CHEMICALS, SOAPS, PERFUMERY, COSMETICS, PAINTS, ADHESIVE FOR INDUSTRIAL PURPOSES, PRESERVATIVES, LEATHER, IMITATION LEATHER, BAGS AND THEIR SUBSTITUTES, UMBRELLAS, WALKING STICKS, SADDLERY, MATERIALS FOR BUILDING AND CONSTRUCTION, FURNITURE, FABRIC, INDOOR ORNAMENTS OF TEXTILE, TOBACCO NOT OF MEDICAL USE, SMOKERS ARTICLES, PLANTS, PHARMACEUTICALS, LIGHTS, IRONS AND STEELS, POTS, TABLEWARE, HEATERS, COSMETIC UTENSILS, YARNS AND THREAD FOR TEXTILE USE, KITCHEN AND HOUSEHOLD UTENSILS, GAMES AND PLAYTHINGS, ELECTRONIC PUBLICATIONS AND GREETING CARDS; AND ONLINE MAIL ORDER SERVICES FEATUR-

ING BOOKS, MUSIC, VIDEOTAPES, AUDIOCASSETTES, COMPACT DISCS, FLOPPY DISCS AND CD-ROMS, PRINTED MATTERS, PHONOGRAPHS, RECORDED MUSIC, TOYS, HOUSEHOLD ELECTRONIC APPLIANCES; APPLIED ELECTRONIC MACHINES AND APPARATUS, PHOTOGRAPHY INSTRUMENTS, MUSICAL INSTRUMENTS AND FITTINGS THEREOF; PHOTOGRAPHS, STATIONERY, JEWELRY, HOROLOGICAL INSTRUMENTS AND PARTS THEREOF, MOTOR VEHICLES AND PARTS AND ACCESSORIES THEREOF, MANUAL AND POWER TOOLS, MEASURING INSTRUMENTS, PHYSICAL AND CHEMICAL INSTRUMENTS, CHEMICALS, SOAPS, PERFUMERY, COSMETICS, PAINTS, ADHESIVE FOR INDUSTRIAL PURPOSES, PRESERVATIVES, LEATHER, IMITATION LEATHER, BAGS AND THEIR SUBSTITUTES, UMBRELLAS, WALKING STICKS, SADDLERY, MATERIALS FOR BUILDING AND CONSTRUCTION, FURNITURE, FABRIC, INDOOR ORNAMENTS OF TEXTILE, TOBACCO (NOT OF MEDICAL USE), SMOKERS ARTICLES, PLANTS, PHARMACEUTICALS, LIGHTS, IRONS AND STEELS, POTS, TABLEWARE, HEATERS, COSMETIC UTENSILS, YARNS AND THREAD FOR TEXTILE USE, KITCHEN AND HOUSEHOLD UTENSILS, GAMES AND PLAYTHINGS, ELECTRONIC PUBLICATIONS AND GREETING CARDS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

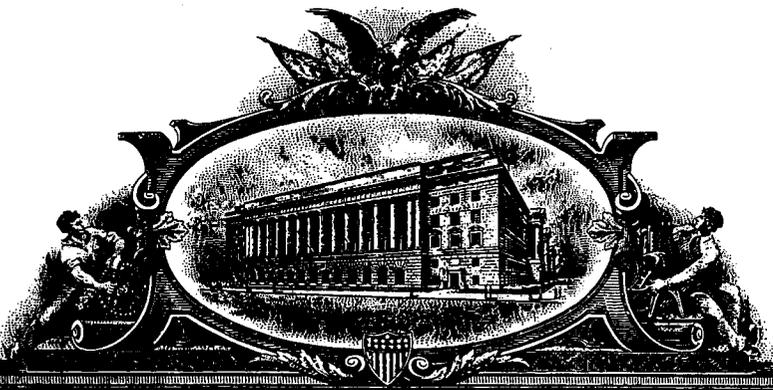
FIRST USE 11-14-2000; IN COMMERCE 11-14-2000.

OWNER OF U.S. REG. NOS. 2,078,494, 2,078,496, AND 2,167,345.

SN 78-005,997, FILED 4-27-2000.

DARRYL SPRUILL, EXAMINING ATTORNEY

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

January 13, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,738,838 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF *10* YEARS FROM *July 15, 2003*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office

M. Tarver
M. TARVER
Certifying Officer



Int. Cl.: 39

Prior U.S. Cls.: 100 and 105

Reg. No. 2,738,838

United States Patent and Trademark Office

Registered July 15, 2003

**SERVICE MARK
PRINCIPAL REGISTER**

AMAZON

AMAZON.COM, INC. (DELAWARE CORPORATION)
SUITE 1200, 12TH AVE. SOUTH
SEATTLE, WA 981442734

FIRST USE 9-26-2001; IN COMMERCE 9-26-2001.

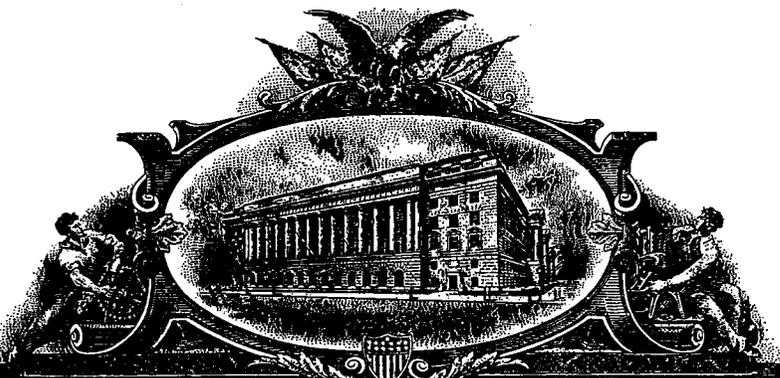
OWNER OF U.S. REG. NOS. 2,078,496 AND
2,167,345.

FOR: PACKAGING GOODS FOR SHIPMENT;
TRAVEL CLUBS; GIFT DELIVERY; DELIVERY
SERVICES, NAMELY, SHIPPING AND DELIVERY
OF GENERAL CONSUMER GOODS; PACKAGING
OF ARTICLES FOR TRANSPORT, IN CLASS 39 (U.S.
CLS. 100 AND 105).

SN 78-005,146, FILED 4-21-2000.

GWEN STOKOLS, EXAMINING ATTORNEY

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

**UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office**

January 13, 2006

**THE ATTACHED U.S. TRADEMARK REGISTRATION 2,738,837 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.**

**REGISTERED FOR A TERM OF 10 YEARS FROM *July 15, 2003*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant***

**By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office**

M. Tarver
**M. TARVER
Certifying Officer**



Int. Cl.: 38

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

United States Patent and Trademark Office

Reg. No. 2,738,837

Registered July 15, 2003

**SERVICE MARK
PRINCIPAL REGISTER**

AMAZON

AMAZON.COM, INC. (DELAWARE CORPORATION)
SUITE 1200, 12TH AVE. SOUTH
SEATTLE, WA 981442734

FIRST USE 3-6-2002; IN COMMERCE 3-6-2002.

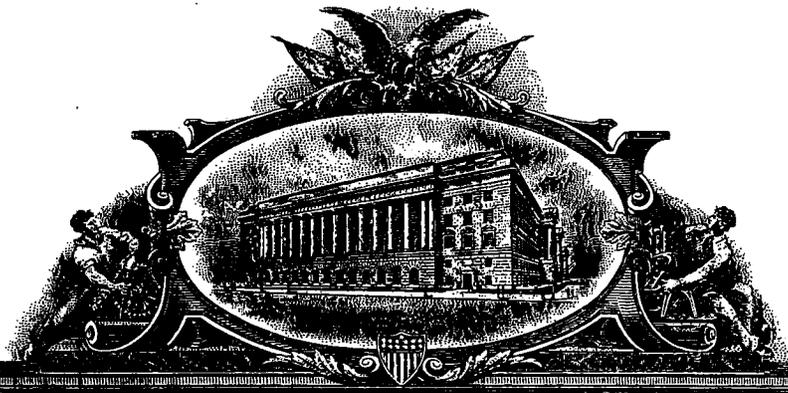
OWNER OF U.S. REG. NOS. 1,930,917, 2,333,851,
AND OTHERS.

FOR: PROVIDING INTERACTIVE CHAT ROOMS
FOR TRANSMISSION OF MESSAGES AMONG
COMPUTER USERS AND SUBSCRIBERS CON-
CERNING A WIDE VARIETY OF TOPICS; ELEC-
TRONIC TRANSMISSION OF PRODUCT REVIEWS
AND PURCHASE INFORMATION ON THE INTER-
NET, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

SN 78-005,145, FILED 4-21-2000.

GWEN STOKOLS, EXAMINING ATTORNEY

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME;

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

January 13, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,832,943 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *April 13, 2004*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office

M. Tarver
M. TARVER
Certifying Officer



Int. Cl.: 35

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

United States Patent and Trademark Office

Reg. No. 2,832,943

Registered Apr. 13, 2004

**SERVICE MARK
PRINCIPAL REGISTER**

AMAZON

AMAZON.COM, INC. (DELAWARE CORPORATION)
SUITE 1200, 12TH AVE. SOUTH
SEATTLE, WA 981442734

FOR: ELECTRONIC RETAILING SERVICES VIA COMPUTER FEATURING BOOKS, MUSIC, VIDEOTAPES, AUDIOCASSETTES, COMPACT DISCS, FLOPPY DISCS AND CD-ROMS, PRINTED MATTERS, PHONOGRAPHS, RECORDED MUSIC, TOYS, HOUSEHOLD ELECTRONIC APPLIANCES, APPLIED ELECTRONIC MACHINES AND APPARATUS, PHOTOGRAPHY INSTRUMENTS, MUSICAL INSTRUMENTS AND FITTINGS THEREOF; PHOTOGRAPHS, STATIONERY, JEWELRY, HOROLOGICAL INSTRUMENTS AND PARTS THEREOF, MOTOR VEHICLES AND PARTS AND ACCESSORIES THEREOF, MANUAL AND POWER TOOLS, MEASURING INSTRUMENTS, PHYSICAL AND CHEMICAL INSTRUMENTS, CHEMICALS, SOAPS, PERFUMERY, COSMETICS, PAINTS, ADHESIVE FOR INDUSTRIAL PURPOSES, PRESERVATIVES, LEATHER, IMITATION LEATHER, BAGS AND THEIR SUBSTITUTES, UMBRELLAS, WALKING STICKS, SADDLERY, MATERIALS FOR BUILDING AND CONSTRUCTION, FURNITURE, FABRIC, INDOOR ORNAMENTS OF TEXTILE, TOBACCO (NOT OF MEDICAL USE), SMOKERS ARTICLES, PLANTS, PHARMACEUTICALS, LIGHTS, IRONS AND STEELS, POTS, TABLEWARE, HEATERS, COSMETIC UTENSILS, YARNS AND THREAD FOR TEXTILE USE, KITCHEN AND HOUSEHOLD UTENSILS, GAMES AND PLAYTHINGS, ELECTRONIC PUBLICATIONS AND GREETING CARDS; PROVIDING AN ON-LINE SEARCHABLE DATABASE FEATURING BOOKS, MUSIC, VIDEOTAPES, AUDIOCASSETTES, COMPACT DISCS, FLOPPY DISCS AND CD-ROMS, PRINTED MATTERS, PHONOGRAPHS, RECORDED MUSIC, TOYS, HOUSEHOLD ELECTRONIC APPLIANCES, APPLIED ELECTRONIC MACHINES AND APPARATUS, PHOTOGRAPHY INSTRUMENTS, MUSICAL INSTRUMENTS AND FITTINGS THEREOF, PHOTO-

GRAPHS, STATIONERY, JEWELRY, HOROLOGICAL INSTRUMENTS AND PARTS THEREOF, MOTOR VEHICLES AND PARTS AND ACCESSORIES THEREOF, MANUAL AND POWER TOOLS, MEASURING INSTRUMENTS, PHYSICAL AND CHEMICAL INSTRUMENTS, CHEMICALS, SOAPS, PERFUMERY, COSMETICS, PAINTS, ADHESIVE FOR INDUSTRIAL PURPOSES, PRESERVATIVES, LEATHER, IMITATION LEATHER, BAGS AND THEIR SUBSTITUTES, UMBRELLAS, WALKING STICKS, SADDLERY, MATERIALS FOR BUILDING AND CONSTRUCTION, FURNITURE, FABRIC, INDOOR ORNAMENTS OF TEXTILE, TOBACCO (NOT OF MEDICAL USE), SMOKERS ARTICLES, PLANTS, PHARMACEUTICALS, LIGHTS, IRONS AND STEELS, POTS, TABLEWARE, HEATERS, COSMETIC UTENSILS, YARNS AND THREAD FOR TEXTILE USE, KITCHEN AND HOUSEHOLD UTENSILS, GAMES AND PLAYTHINGS, ELECTRONIC PUBLICATIONS AND GREETING CARDS; AUCTIONEERING; COMPUTERIZED ON-LINE ORDERING FEATURING BOOKS, MUSIC, MOTION PICTURES, MULTIMEDIA PRESENTATIONS, COMPUTER SOFTWARE, MAGAZINES, PERIODICALS, JOURNALS, AND PUBLICATIONS; PROVIDING A SEARCHABLE ON-LINE ADVERTISING GUIDE FEATURING BOOKS, MUSIC, MOTION PICTURES, MULTIMEDIA PRESENTATIONS, COMPUTER SOFTWARE, MAGAZINES, PERIODICALS, JOURNALS, AND PUBLICATIONS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

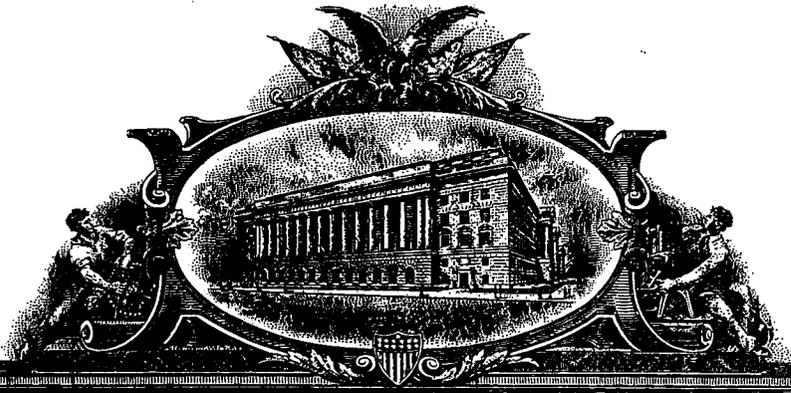
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OWNER OF U.S. REG. NOS. 2,078,496 AND 2,167,345.

SN 78-005,143, FILED 4-21-2000.

GWEN STOKOLS, EXAMINING ATTORNEY

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

January 13, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,857,590 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF *10 YEARS* FROM *June 29, 2004*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office

M. Tarver
M. TARVER
Certifying Officer



Int. Cl.: 9

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

United States Patent and Trademark Office

Reg. No. 2,857,590

Registered June 29, 2004

**TRADEMARK
PRINCIPAL REGISTER**

AMAZON

AMAZON.COM, INC. (DELAWARE CORPORATION)
P. O. BOX 81226
SEATTLE, WA 981081226

FOR: DOWNLOADABLE COMPUTER SOFTWARE FOR USE IN THE RETRIEVAL OF DATA FROM THIRD-PARTY WEBSITES, DOWNLOADABLE COMPUTER SOFTWARE FOR USE IN GAINING ACCESS TO AND INTERFACE WITH THIRD-PARTY E-COMMERCE TOOLS; DOWNLOADABLE COMPUTER SOFTWARE FOR USE IN DEVELOPMENT OF APPLICATIONS FOR THE RETRIEVAL

AND USE OF DATA FROM THIRD-PARTY WEBSITES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

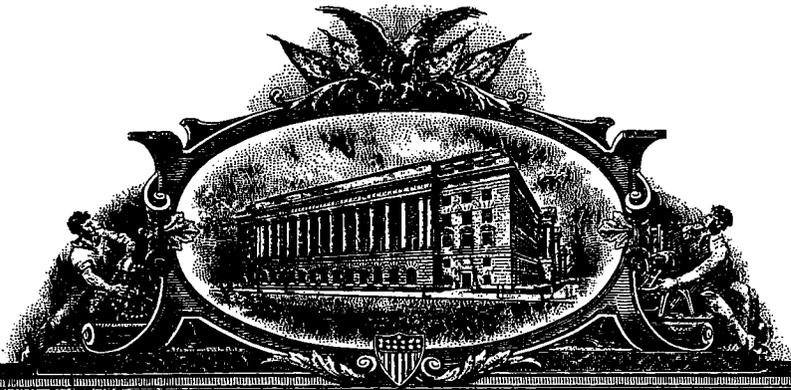
FIRST USE 3-31-2002; IN COMMERCE 7-31-2002.

OWNER OF U.S. REG. NOS. 2,508,123, 2,738,837 AND OTHERS.

SER. NO. 76-524,007, FILED 6-12-2003.

HOWARD SMIGA, EXAMINING ATTORNEY

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

**UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office**

January 13, 2006

**THE ATTACHED U.S. TRADEMARK REGISTRATION 2,696,140 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.**

**REGISTERED FOR A TERM OF 10 YEARS FROM *March 11, 2003*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant***

**By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office**

M. Tarver

**M. TARVER
Certifying Officer**



Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 2,696,140

Registered Mar. 11, 2003

SERVICE MARK
PRINCIPAL REGISTER

amazon.com



AMAZON.COM, INC. (DELAWARE CORPORATION)
SUITE 1200, 1200 12TH AVE. SOUTH
SEATTLE, WA 981442734

FOR: COMPUTER SERVICES, NAMELY, PROVIDING SEARCH ENGINES FOR LOCATING INFORMATION, RESOURCES, AND THE WEBSITES OF OTHERS ON THE INTERNET; PROVIDING A WIDE RANGE OF GENERAL INTEREST INFORMATION VIA THE INTERNET; PROVIDING ELEC-

TRONIC GREETING CARDS VIA THE INTERNET, IN CLASS 42 (U.S. CLS. 100 AND 101).

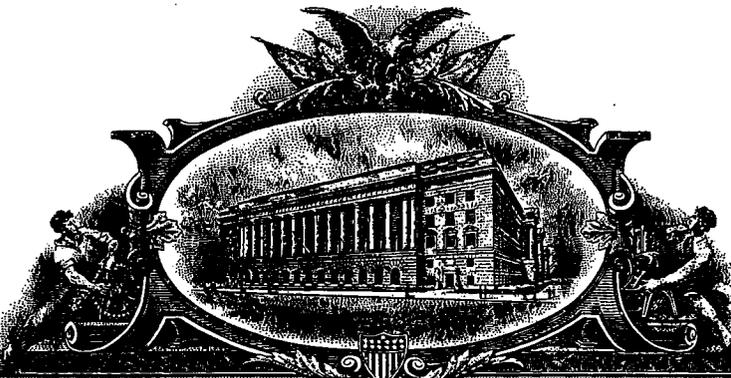
FIRST USE 1-31-2000; IN COMMERCE 1-31-2000.

OWNER OF U.S. REG. NOS. 2,078,494, 2,078,496, AND 2,167,345.

SN 75-895,252, FILED 1-12-2000.

GWEN STOKOLS, EXAMINING ATTORNEY

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

**UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office**

January 13, 2006

**THE ATTACHED U.S. TRADEMARK REGISTRATION 2,884,547 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.**

**REGISTERED FOR A TERM OF 10 YEARS FROM *September 14, 2004*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant***

**By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office**



**M. TARVER
Certifying Officer**



Int. Cl.: 39

Prior U.S. Cls.: 100 and 105

United States Patent and Trademark Office

Reg. No. 2,884,547

Registered Sep. 14, 2004

**SERVICE MARK
PRINCIPAL REGISTER**

amazon.com

AMAZON.COM, INC. (DELAWARE CORPORATION)
SUITE 1200, 1200 12TH AVE. SOUTH
SEATTLE, WA 981442734

FOR: TRAVEL ARRANGEMENT FOR OTHERS,
NAMELY, TRAVEL BOOKING AGENCIES AND
ARRANGING TRAVEL TOURS; TRAVEL CLUBS;
GIFT DELIVERY; PACKAGING OF ARTICLES FOR
TRANSPORT FOR OTHERS, IN CLASS 39 (U.S. CLS.
100 AND 105).

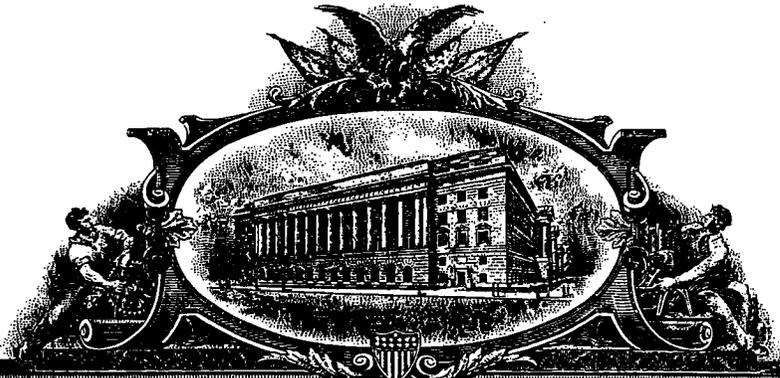
FIRST USE 9-26-2001; IN COMMERCE 9-26-2001.

OWNER OF U.S. REG. NOS. 2,078,494, 2,078,496,
AND 2,167,345.

SN 75-895,247, FILED 1-12-2000.

GWEN STOKOLS, EXAMINING ATTORNEY

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

**UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office**

January 13, 2006

**THE ATTACHED U.S. TRADEMARK REGISTRATION 2,633,281 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.**

**REGISTERED FOR A TERM OF 10 YEARS FROM *October 08, 2002*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant***

**By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office**



**P. SWAIN
Certifying Officer**



Int. Cl.: 38

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

Reg. No. 2,633,281

United States Patent and Trademark Office

Registered Oct. 8, 2002

**SERVICE MARK
PRINCIPAL REGISTER**

AMAZON.COM

AMAZON.COM, INC. (DELAWARE CORPORATION)
SUITE 1200, 12TH AVE. SOUTH
SEATTLE, WA 981442734

FIRST USE 3-8-2002; IN COMMERCE 3-8-2002.

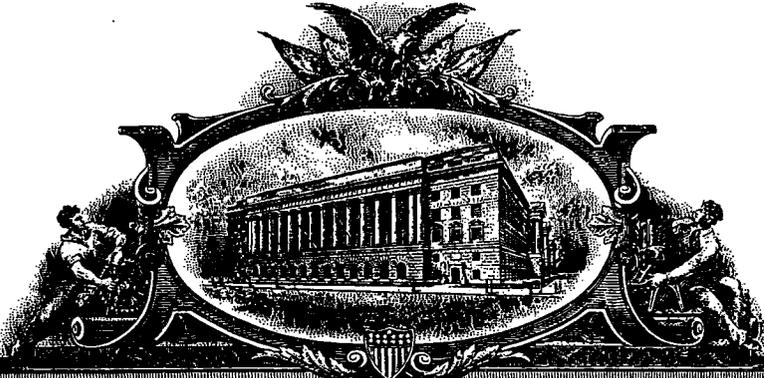
OWNER OF U.S. REG. NOS. 2,078,496 AND
2,167,345.

FOR: PROVIDING ON-LINE CHAT ROOMS AND
BULLETIN BOARDS FOR TRANSMISSION OF
MESSAGES AMONG COMPUTER USERS CON-
CERNING GENERAL MERCHANDISE AND GEN-
ERAL CONSUMER GOODS, PRODUCT REVIEWS
AND PRODUCT PURCHASING INFORMATION, IN
CLASS 38 (U.S. CLS. 100, 101 AND 104).

SN 78-005,994, FILED 4-27-2000.

GWEN STOKOLS, EXAMINING ATTORNEY

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

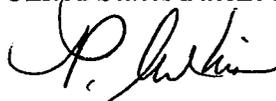
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

January 13, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,657,226 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *December 03, 2002*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office



P. SWAIN
Certifying Officer



Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 2,657,226

Registered Dec. 3, 2002

**SERVICE MARK
PRINCIPAL REGISTER**

AMAZON

AMAZON.COM, INC. (DELAWARE CORPORATION)
P.O. BOX 81226
SEATTLE, WA 981081300

FOR: COMPUTER SERVICES, NAMELY, PROVIDING SEARCH ENGINES FOR LOCATING INFORMATION, RESOURCES, AND THE WEBSITES OF OTHERS ON A GLOBAL COMPUTER NETWORK; PROVIDING A WIDE RANGE OF GENERAL INTEREST INFORMATION VIA A GLOBAL COMPUTER NETWORK; AND PROVIDING ELECTRONIC GREETING CARDS VIA A GLOBAL COM-

PUTER NETWORK, IN CLASS 42 (U.S. CLS. 100 AND 101).

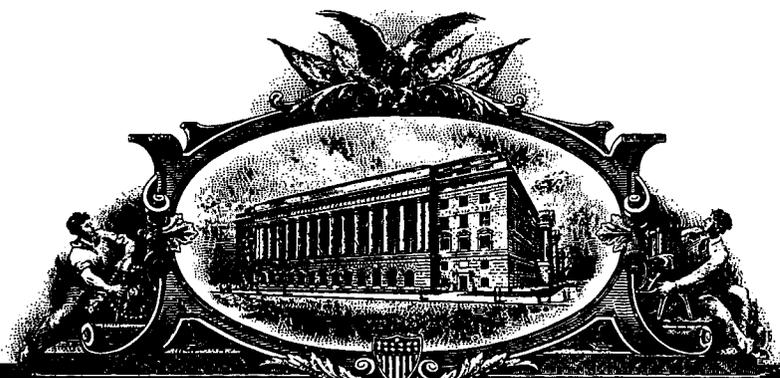
FIRST USE 12-31-2001; IN COMMERCE 12-31-2001.

OWNER OF U.S. REG. NOS. 2,078,496 AND 2,167,345.

SN 78-005,148, FILED 4-21-2000.

GWEN STOKOLS, EXAMINING ATTORNEY

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

January 13, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,649,373 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *November 12, 2002*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office



P. SWAIN
Certifying Officer



Int. Cl.: 35

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

Reg. No. 2,649,373

United States Patent and Trademark Office

Registered Nov. 12, 2002

**SERVICE MARK
PRINCIPAL REGISTER**

AMAZON.COM OUTLET

AMAZON.COM, INC. (DELAWARE CORPORATION)
SUITE 1200, 12TH AVE. SOUTH
SEATTLE, WA 981442734

FOR: ELECTRONIC RETAILING SERVICES VIA COMPUTER FEATURING BOOKS, MUSIC, VIDEO-TAPES, AUDIOCASSETTES, COMPACT DISCS, FLOPPY DISCS AND CD-ROMS, PRINTED MATTERS, PHONOGRAPHS, RECORDED MUSIC, TOYS, HOUSEHOLD ELECTRONIC APPLIANCES; APPLIED ELECTRONIC MACHINES AND APPARATUS, PHOTOGRAPHY INSTRUMENTS, MUSICAL INSTRUMENTS AND FITTINGS THEREOF; PHOTOGRAPHS, STATIONERY, JEWELRY, HOROLOGICAL INSTRUMENTS AND PARTS THEREOF, MOTOR VEHICLES AND PARTS AND ACCESSORIES THEREOF, MANUAL AND POWER TOOLS, MEASURING INSTRUMENTS, PHYSICAL AND CHEMICAL INSTRUMENTS, CHEMICALS, SOAPS, PERFUMERY, COSMETICS, PAINTS, ADHESIVE FOR INDUSTRIAL PURPOSES, PRESERVATIVES, LEATHER, IMITATION LEATHER, BAGS AND THEIR SUBSTITUTES, UMBRELLAS, WALKING STICKS, SADDLERY, MATERIALS FOR BUILDING AND CONSTRUCTION, FURNITURE, FABRIC, INDOOR ORNAMENTS OF TEXTILE, TOBACCO (NOT OF MEDICAL USE), SMOKERS ARTICLES, PLANTS, PHARMACEUTICALS, LIGHTS, IRONS AND STEELS, POTS, TABLEWARE, HEATERS, COSMETIC UTENSILS, YARNS AND THREAD FOR TEXTILE USE, KITCHEN AND HOUSEHOLD UTENSILS, GAMES AND PLAYTHINGS, ELECTRONIC PUBLICATIONS AND GREETING CARDS; AND PROVIDING AN ON-LINE SEARCHABLE DATABASE FEATURING BOOKS, MUSIC, VIDEO-TAPES, AUDIOCASSETTES, COMPACT DISCS, FLOPPY DISCS AND CD-ROMS, PRINTED MATTERS, PHONOGRAPHS, RECORDED MUSIC,

TOYS, HOUSEHOLD ELECTRONIC APPLIANCES; APPLIED ELECTRONIC MACHINES AND APPARATUS, PHOTOGRAPHY INSTRUMENTS, MUSICAL INSTRUMENTS AND FITTINGS THEREOF; PHOTOGRAPHS, STATIONERY, JEWELRY, HOROLOGICAL INSTRUMENTS AND PARTS THEREOF, MOTOR VEHICLES AND PARTS AND ACCESSORIES THEREOF, MANUAL AND POWER TOOLS, MEASURING INSTRUMENTS, PHYSICAL AND CHEMICAL INSTRUMENTS, CHEMICALS, SOAPS, PERFUMERY, COSMETICS, PAINTS, ADHESIVE FOR INDUSTRIAL PURPOSES, PRESERVATIVES, LEATHER, IMITATION LEATHER, BAGS AND THEIR SUBSTITUTES, UMBRELLAS, WALKING STICKS, SADDLERY, MATERIALS FOR BUILDING AND CONSTRUCTION, FURNITURE, FABRIC, INDOOR ORNAMENTS OF TEXTILE, TOBACCO (NOT OF MEDICAL USE), SMOKERS ARTICLES, PLANTS, PHARMACEUTICALS, LIGHTS, IRONS AND STEELS, POTS, TABLEWARE, HEATERS, COSMETIC UTENSILS, YARNS AND THREAD FOR TEXTILE USE, KITCHEN AND HOUSEHOLD UTENSILS, GAMES AND PLAYTHINGS, ELECTRONIC PUBLICATIONS AND GREETING CARDS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 3-15-2000; IN COMMERCE 3-15-2000.

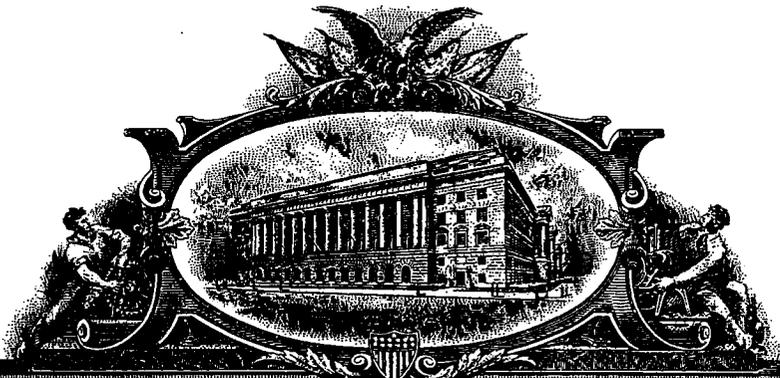
OWNER OF U.S. REG. NOS. 2,078,494, 2,078,496, AND 2,167,345.

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

SER. NO. 78-000,527, FILED 3-22-2000.

GWEN STOKOLS, EXAMINING ATTORNEY

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

January 13, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,559,936 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *April 09, 2002*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office



P. SWAIN
Certifying Officer



Int. Cls.: 35, 36, and 42

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

United States Patent and Trademark Office

Reg. No. 2,559,936

Registered Apr. 9, 2002

**SERVICE MARK
PRINCIPAL REGISTER**

AMAZON.COM

AMAZON.COM, INC. (DELAWARE CORPORATION)
P.O. BOX 81226
SEATTLE, WA 981081226

FOR: RETAIL DEPARTMENT STORES; RETAIL ON-LINE DEPARTMENT STORES; RETAIL CONVENIENCE STORES; RETAIL ON-LINE CONVENIENCE STORES; COMPUTERIZED ON-LINE ORDERING FEATURING GENERAL MERCHANDISE AND GENERAL CONSUMER GOODS; PROVIDING AN ON-LINE COMMERCIAL INFORMATION DIRECTORY; PROVIDING A SEARCHABLE DATABASE IN THE FIELD OF BUSINESS INFORMATION AVAILABLE VIA A GLOBAL COMPUTER NETWORK; DISSEMINATION OF ADVERTISING FOR OTHERS VIA AN ON-LINE ELECTRONIC COMMUNICATIONS NETWORK; PROVIDING A SEARCHABLE ON-LINE ADVERTISING GUIDE FEATURING THE GOODS AND SERVICE OF OTHER ON-LINE VENDORS; DATABASE MANAGEMENT SERVICES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 9-30-1999; IN COMMERCE 9-30-1999.

FOR: PROVIDING A SEARCHABLE ON-LINE DATABASE FEATURING GOODS AND SERVICES OF OTHERS IN THE FIELD OF FINANCES, BANKING, REAL ESTATE AND VEHICLES, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 9-30-1999; IN COMMERCE 9-30-1999.

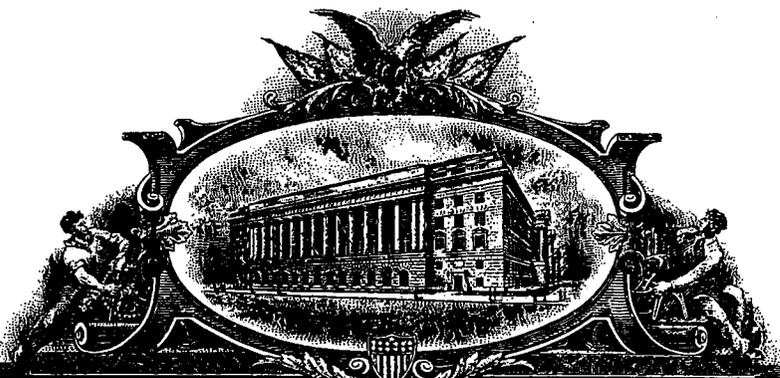
FOR: COMPUTER SERVICES, NAMELY, PROVIDING SEARCH ENGINES FOR LOCATING INFORMATION, RESOURCES, AND THE WEBSITES OF OTHERS ON A GLOBAL COMPUTER NETWORK; PROVIDING A WIDE RANGE OF GENERAL INTEREST INFORMATION VIA A GLOBAL COMPUTER NETWORK; AND PROVIDING ELECTRONIC GREETING CARDS VIA A GLOBAL COMPUTER NETWORK, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 9-30-1999; IN COMMERCE 9-30-1999.

SN 75-981,644, FILED 3-17-1999.

GWEN STOKOLS, EXAMINING ATTORNEY

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

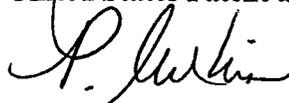
**UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office**

January 13, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,508,123 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

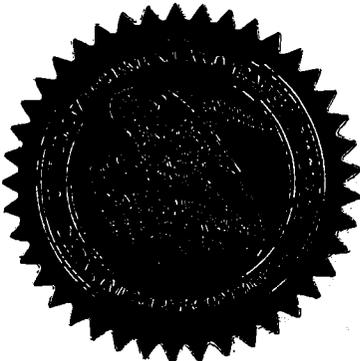
REGISTERED FOR A TERM OF 10 YEARS FROM *November 13, 2001*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office



P. SWAIN

Certifying Officer



Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 2,508,123

Registered Nov. 13, 2001

**SERVICE MARK
PRINCIPAL REGISTER**

AMAZON.COM AUCTIONS

AMAZON.COM, INC. (DELAWARE CORPORATION)
P.O. BOX 81226
SEATTLE, WA 981081226

FOR: COMPUTER SERVICES, NAMELY, PROVIDING SEARCH ENGINES FOR OBTAINING DATA ON A GLOBAL COMPUTER NETWORK; HOSTING THE WEB SITES OF OTHERS ON A COMPUTER SERVER FOR A GLOBAL COMPUTER NETWORK; COMPUTER SERVICES, NAMELY, PROVIDING DATABASES FEATURING GENERAL AND LOCAL NEWS, AND INFORMATION OF INTEREST TO SPECIFIC GEOGRAPHIC AREAS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 4-1-1999; IN COMMERCE 4-1-1999.

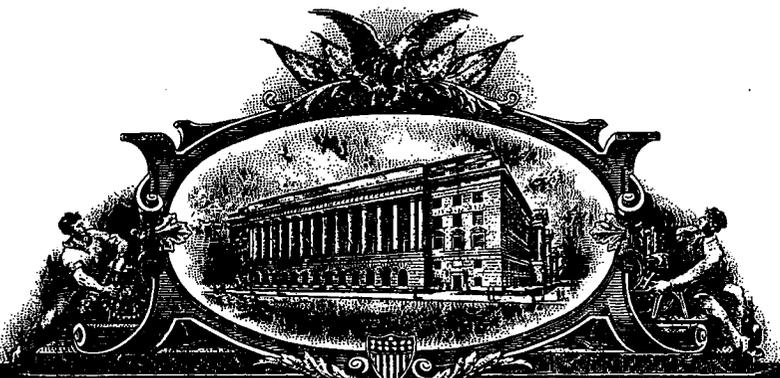
OWNER OF U.S. REG. NOS. 2,078,494, 2,078,496, AND 2,167,345.

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

SN 75-979,675, FILED 3-29-1999.

RONALD AIKENS, EXAMINING ATTORNEY

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

**UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office**

January 13, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,521,161 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *December 18, 2001*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office



P. SWAIN
Certifying Officer



Int. Cl.: 35

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

United States Patent and Trademark Office

Reg. No. 2,521,161

Registered Dec. 18, 2001

**SERVICE MARK
PRINCIPAL REGISTER**

AMAZON.COM AUCTIONS

AMAZON.COM, INC. (DELAWARE CORPORATION)
P.O. BOX 81226
SEATTLE, WA 981081226

FOR: AUCTIONEERING; AUTOMATED AND COMPUTERIZED TRADING OF GOODS AND SERVICES FOR OTHERS PROVIDED OVER A GLOBAL COMMUNICATION INFORMATION NETWORK; PROVIDING AN ON-LINE COMPUTER DATABASE IN THE FIELD OF BUSINESS INFORMATION AVAILABLE VIA A GLOBAL COMPUTER NETWORK; DISSEMINATION OF ADVERTISING FOR OTHERS VIA AN ON-LINE ELECTRONIC COMMUNICATIONS NETWORK; COMPUTERIZED DATA-

BASE MANAGEMENT, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 4-1-1999; IN COMMERCE 4-1-1999.

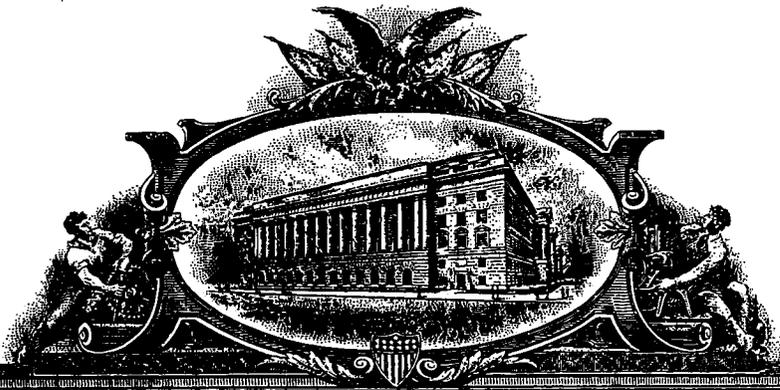
OWNER OF U.S. REG. NOS. 2,078,494, 2,078,496, AND 2,167,345.

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

SN 75-979,673, FILED 3-29-1999.

RONALD AIKENS, EXAMINING ATTORNEY

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

January 19, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,924,035 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *February 01, 2005*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office


M. K. CARTER
Certifying Officer



Int. Cl.: 35

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

United States Patent and Trademark Office

Reg. No. 2,924,035

Registered Feb. 1, 2005

**SERVICE MARK
PRINCIPAL REGISTER**

AMAZON AUCTIONS

AMAZON.COM, INC. (DELAWARE CORPORATION)
LEGAL DEPARTMENT: TRADEMARKS
1200 12TH AVE. SOUTH, SUITE 1200
SEATTLE, WA 981442734

FOR: AUCTIONEERING; PROVIDING A
SEARCHABLE DATABASE IN THE FIELD OF BUSI-
NESS INFORMATION AVAILABLE VIA A GLOBAL
COMPUTER NETWORK, IN CLASS 35 (U.S. CLS. 100,
101 AND 102).

FIRST USE 3-30-1999; IN COMMERCE 3-30-1999.

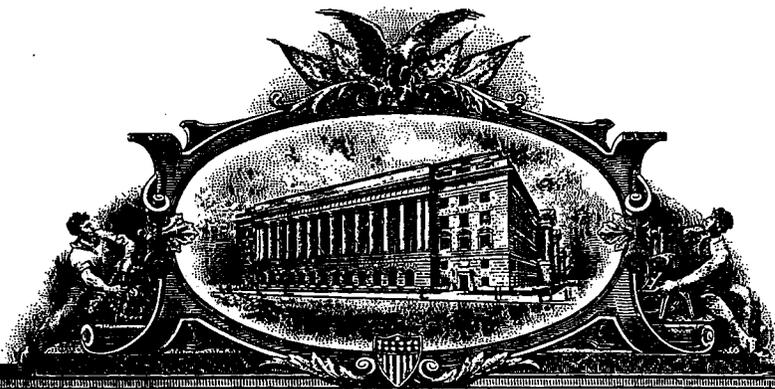
OWNER OF U.S. REG. NOS. 2,078,496 AND
2,167,345.

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

SN 78-005,111, FILED 4-21-2000.

GWEN STOKOLS, EXAMINING ATTORNEY

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

January 19, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,970,898 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *July 19, 2005*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office


M. K. CARTER
Certifying Officer



Int. Cl.: 41

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

United States Patent and Trademark Office

Reg. No. 2,970,898

Registered July 19, 2005

**SERVICE MARK
PRINCIPAL REGISTER**

amazon.com

AMAZON.COM, INC. (DELAWARE CORPORATION)
SUITE 1200, 1200 12TH AVE. SOUTH
SEATTLE, WA 981442734

FOR: PROVIDING INFORMATION RELATING
TO ENTERTAINMENT AND EDUCATION VIA A
GLOBAL COMMUNICATIONS NETWORK, IN
CLASS 41 (U.S. CLS. 100, 101 AND 107).

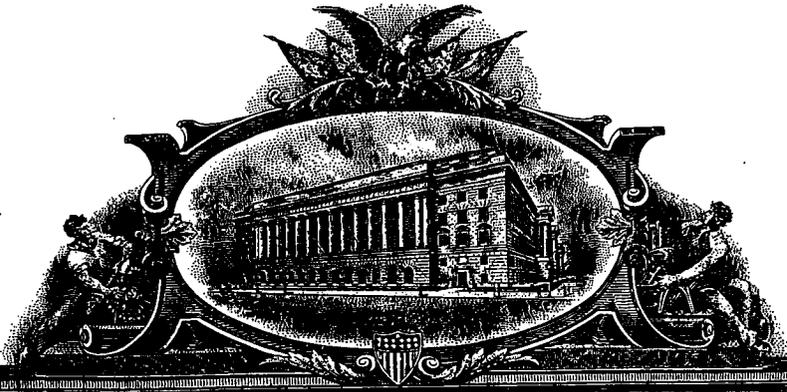
FIRST USE 11-14-2000; IN COMMERCE 11-14-2000.

OWNER OF U.S. REG. NOS. 2,078,494, 2,078,496,
AND 2,167,345.

SN 75-895,250, FILED 1-12-2000.

GWEN STOKOLS, EXAMINING ATTORNEY

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

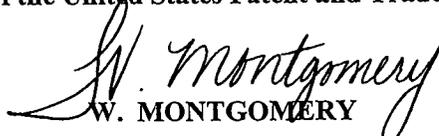
United States Patent and Trademark Office

January 26, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,684,128 IS CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *February 04, 2003*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office


W. MONTGOMERY
Certifying Officer



Int. Cl.: 38

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

United States Patent and Trademark Office

Reg. No. 2,684,128

Registered Feb. 4, 2003

SERVICE MARK
PRINCIPAL REGISTER

amazon.com



AMAZON.COM, INC. (DELAWARE CORPORATION)
SUITE 1200, 1200 12TH AVE. SOUTH
SEATTLE, WA 981442734

FOR: PROVIDING INTERACTIVE CHAT ROOMS FOR TRANSMISSION OF MESSAGES AMONG COMPUTER USERS AND SUBSCRIBERS CONCERNING GENERAL MERCHANDISE AND GENERAL CONSUMER GOODS, PRODUCT REVIEWS AND PURCHASE INFORMATION ON THE INTERNET, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

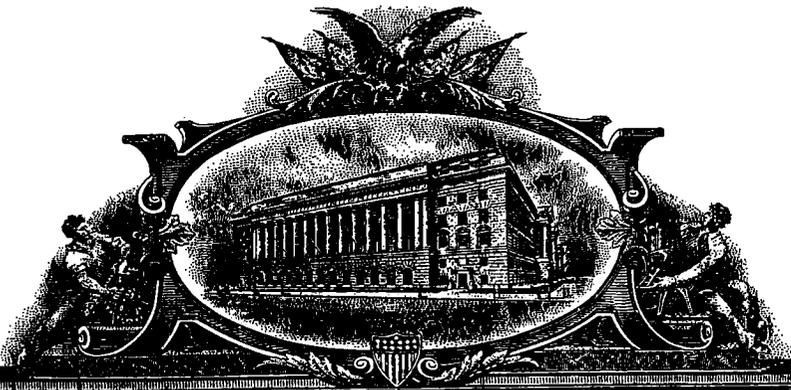
FIRST USE 3-6-2002; IN COMMERCE 3-6-2002.

OWNER OF U.S. REG. NOS. 2,078,494, 2,078,496, AND 2,167,345.

SN 75-895,245, FILED 1-12-2000.

GWEN STOKOLS, EXAMINING ATTORNEY

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

January 26, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,903,561 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *November 16, 2004*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office



W. Montgomery
W. MONTGOMERY
Certifying Officer

Int. Cls.: 18 and 28

Prior U.S. Cls.: 1, 2, 3, 22, 23, 38, 41, and 50

Reg. No. 2,903,561

United States Patent and Trademark Office Registered Nov. 16, 2004

**TRADEMARK
PRINCIPAL REGISTER**

AMAZON.COM

AMAZON.COM, INC. (DELAWARE CORPORATION)
1200 12TH AVE. SOUTH
SUITE 1200
SEATTLE, WA 981442734

FOR: BAGS, NAMELY, TOTE BAGS, AND MESSENGER BAGS; SATCHELS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 12-1-1999; IN COMMERCE 12-1-1999.

FOR: TOYS, GAMES, AND PLAYTHINGS, NAMELY, SPORTS TOYS, PLUSH TOYS, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

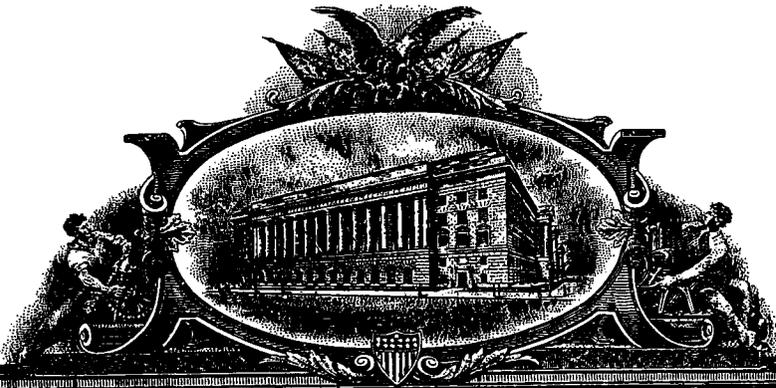
FIRST USE 12-1-1999; IN COMMERCE 12-1-1999.

OWNER OF U.S. REG. NOS. 2,078,494, 2,078,496, AND 2,167,345.

SN 75-790,047, FILED 9-23-1999.

GWEN STOKOLS, EXAMINING ATTORNEY

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

January 26, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,789,101 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *December 02, 2003*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office



W. Montgomery
W. MONTGOMERY
Certifying Officer

Int. Cl.: 35

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

United States Patent and Trademark Office

Reg. No. 2,789,101

Registered Dec. 2, 2003

**SERVICE MARK
PRINCIPAL REGISTER**

amazon.com

AMAZON.COM, INC. (DELAWARE CORPORATION)
SUITE 1200, 1200 12TH AVE. SOUTH
SEATTLE, WA 981442734

FOR: ADVERTISING SERVICES, NAMELY, DISSEMINATION OF ADVERTISING FOR OTHERS VIA AN ON-LINE ELECTRONIC COMMUNICATIONS NETWORK; BUSINESS MANAGEMENT; BUSINESS ADMINISTRATION; RETAIL DEPARTMENT STORES, RETAIL ON-LINE DEPARTMENT STORES; RETAIL CONVENIENCE STORES; ON-LINE RETAIL CONVENIENCE STORES; COMPUTERIZED ON-LINE ORDERING FEATURING GENERAL MERCHANDISE AND GENERAL CONSUMER GOODS; PROVIDING AN ON-LINE COMMERCIAL INFORMATION DIRECTORY; PROVIDING A SEARCHABLE DATABASE IN THE FIELD OF BUSINESS INFORMATION AVAILABLE

VIA A GLOBAL COMPUTER NETWORK; PROVIDING A SEARCHABLE ON-LINE ADVERTISING GUIDE FEATURING THE GOODS AND SERVICES OF OTHER ON-LINE VENDORS; DATABASE MANAGEMENT SERVICES; ELECTRONIC CLASSIFIED ADVERTISING SERVICES; ON-LINE CLASSIFIED ADVERTISING SERVICES, ELECTRONIC AUCTION SERVICES; AND ON-LINE AUCTION SERVICES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

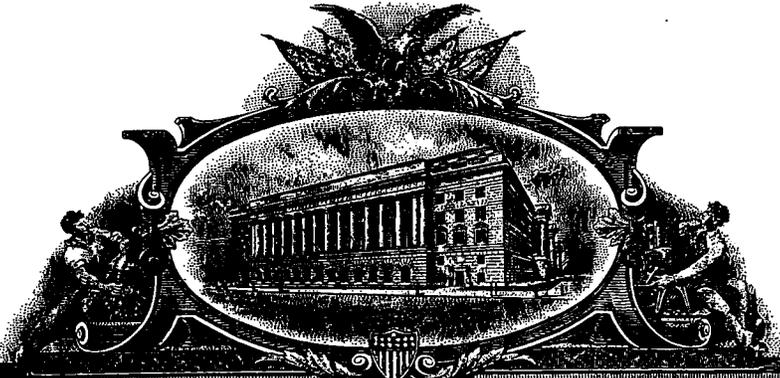
FIRST USE 1-31-2000; IN COMMERCE 1-31-2000.

OWNER OF U.S. REG. NOS. 2,078,494, 2,078,496, AND 2,167,345.

SN 75-895,237, FILED 1-12-2000.

GWEN STOKOLS, EXAMINING ATTORNEY

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

January 26, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,167,345 IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *June 23, 1998*

SECTION 8 & 15

AMENDMENT/CORRECTION/NEW CERT(SEC7) ISSUED

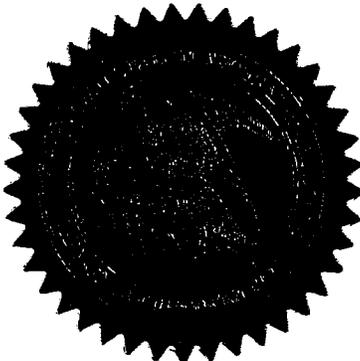
SAID RECORDS SHOW TITLE TO BE IN:

AMAZON.COM, INC.

A DELAWARE CORPORATION

By Authority of the

Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office



W. Montgomery
W. MONTGOMERY
Certifying Officer

Int. Cl.: 35

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

United States Patent and Trademark Office

Corrected

Reg. No. 2,167,345

Registered June 23, 1998

OG Date Aug. 17, 1999

**SERVICE MARK
PRINCIPAL REGISTER**

AMAZON.COM

AMAZON.COM, INC. (DELAWARE
CORPORATION)
P. O. BOX 80387
SEATTLE, WA 981080387

OWNER OF U.S. REG. NOS. 2,078,494
AND 2,078,496.

FOR: COMPUTERIZED ON LINE
SEARCH AND ORDERING SERVICE
FEATURING THE WHOLESALE AND
RETAIL DISTRIBUTION OF BOOKS,

MUSIC, MOTION PICTURES, MULTIME-
DIA PRODUCTS AND COMPUTER
SOFTWARE IN THE FORM OF PRINT-
ED BOOKS, AUDIOCASSETTES, VID-
EOCASSETTES, COMPACT DISKS,
FLOPPY DISKS, CD ROMS, AND
DIRECT DIGITAL TRANSMISSION, IN
CLASS 35 (U.S. CLS. 100, 101 AND 102).
FIRST USE 4-15-1995; IN COMMERCE
4-15-1995.

SER. NO. 75-277,670, FILED 4-18-1997.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Aug. 17, 1999.*

COMMISSIONER OF PATENTS AND TRADEMARKS

Int. Cl.: 35

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

Reg. No. 2,167,345

United States Patent and Trademark Office

Registered June 23, 1998

**SERVICE MARK
PRINCIPAL REGISTER**

AMAZON.COM

AMAZON.COM, INC. (DELAWARE CORPORATION)
P. O. BOX 80287
SEATTLE, WA 981080387

FOR: COMPUTERIZED ON LINE SEARCH AND ORDERING SERVICE FEATURING THE WHOLESALE AND RETAIL DISTRIBUTION OF BOOKS, MUSIC, MOTION PICTURES, MULTIMEDIA PRODUCTS AND COMPUTER SOFTWARE IN THE FORM OF PRINTED BOOKS, AUDIOCASSETTES, VIDEOCASSETTES, COM-

PACT DISKS, FLOPPY DISKS, CD ROMS, AND DIRECT DIGITAL TRANSMISSION, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

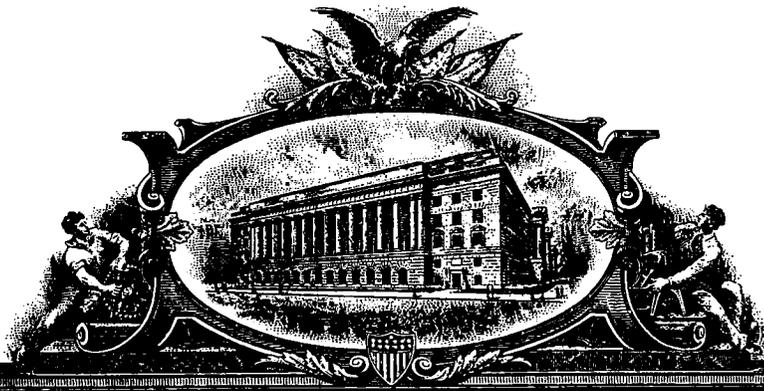
FIRST USE 4-15-1995; IN COMMERCE 4-15-1995.

OWNER OF U.S. REG. NOS. 2,078,494 AND 2,078,496.

SER. NO. 75-277,670, FILED 4-18-1997.

ANGELA LYKOS, EXAMINING ATTORNEY

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

January 27, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,078,494 IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM July 15, 1997
SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

AMAZON.COM, INC.

A WASHINGTON CORP

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office

M. K. CARTER
Certifying Officer



Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

Reg. No. 2,078,494

United States Patent and Trademark Office

Registered July 15, 1997

**SERVICE MARK
PRINCIPAL REGISTER**

AMAZON.COM BOOKS

AMAZON.COM, INC. (WASHINGTON CORPORATION)
P.O. BOX 80387
SEATTLE, WA 981080387

FOR: COMPUTERIZED ON LINE ORDERING SERVICE FEATURING THE WHOLESALE AND RETAIL DISTRIBUTION OF BOOKS, IN CLASS 42 (U.S. CLS. 100 AND 101).

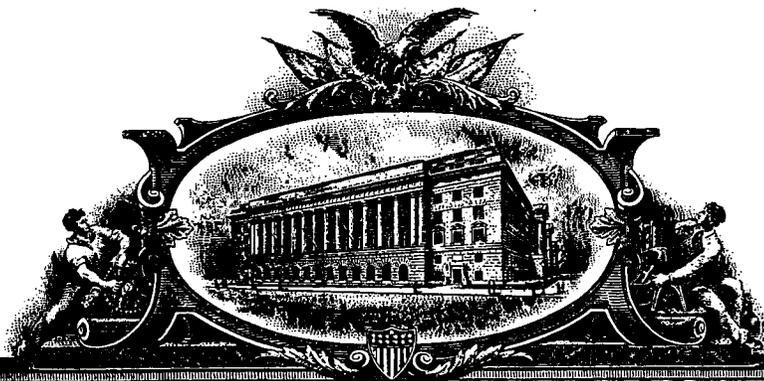
FIRST USE 4-15-1995; IN COMMERCE 4-15-1995.

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

SER. NO. 75-008,352, FILED 10-23-1995.

ARI LEIFMAN, EXAMINING ATTORNEY

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

January 27, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,078,496 IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *July 15, 1997*

SECTION 8 & 15

LESS GOODS

SAID RECORDS SHOW TITLE TO BE IN:

AMAZON.COM, INC.

A WASHINGTON CORP

**By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office**




M. K. CARTER
Certifying Officer

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

Reg. No. 2,078,496

United States Patent and Trademark Office

Registered July 15, 1997

**SERVICE MARK
PRINCIPAL REGISTER**

AMAZON.COM

AMAZON.COM, INC. (WASHINGTON CORPO-
RATION)
P.O. BOX 80387
SEATTLE, WA 981080387

~~AND RETAIL DISTRIBUTION OF BOOKS, IN~~
CLASS 42 (U.S. CLS. 100 AND 101).
FIRST USE 4-15-1995; IN COMMERCE
4-15-1995.

FOR: COMPUTERIZED ON LINE ORDER-
ING SERVICE FEATURING THE WHOLESALE

SER. NO. 75-008,413, FILED 10-23-1995.

ARI LEIFMAN, EXAMINING ATTORNEY

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

**UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office**

January 27, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,518,043 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *December 11, 2001*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office


M. K. CARTER
Certifying Officer



Int. Cl.: 36

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

United States Patent and Trademark Office

Reg. No. 2,518,043

Registered Dec. 11, 2001

**SERVICE MARK
PRINCIPAL REGISTER**

AMAZON.COM AUCTIONS

AMAZON.COM, INC. (DELAWARE CORPORATION)

P.O. BOX 81226
SEATTLE, WA 981081226

FOR: COMMODITY TRADING FOR OTHERS, IN
CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 5-14-2001; IN COMMERCE 5-14-2001.

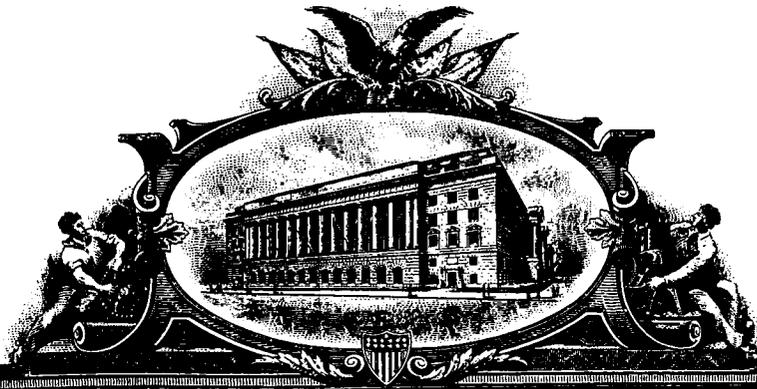
OWNER OF U.S. REG. NOS. 2,078,494, 2,078,496,
AND 2,167,345.

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

SN 75-669,200, FILED 3-29-1999.

RONALD AIKENS, EXAMINING ATTORNEY

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

January 27, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,503,498 IS
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REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *November 06, 2001*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office

M. K. CARTER

Certifying Officer



Int. Cl.: 35

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

Reg. No. 2,503,498

United States Patent and Trademark Office

Registered Nov. 6, 2001

**SERVICE MARK
PRINCIPAL REGISTER**

AMAZON.COM ANYWHERE

AMAZON.COM, INC. (DELAWARE CORPORATION)
SUITE 1200
1200 12TH AVE. SOUTH
SEATTLE, WA 981442734

OTHER ONLINE VENDORS; ONLINE CLASSIFIED
ADVERTISING SERVICES; AND ONLINE AUCTION
SERVICES, IN CLASS 35 (U.S. CLS. 100, 101
AND 102).

FIRST USE 10-4-1999; IN COMMERCE 10-4-1999.

OWNER OF U.S. REG. NOS. 2,078,494, 2,078,496,
AND 2,167,345.

SER. NO. 75-795,215, FILED S.R. 10-1-1999 AM. P.R.
10-1-1999.

FOR: DISSEMINATION OF ADVERTISING FOR
OTHERS VIA AN ONLINE ELECTRONIC COMMU-
NICATIONS NETWORK; COMPUTERIZED ON-
LINE ORDERING FEATURING GENERAL
MERCHANDISE AND GENERAL CONSUMER
GOODS; PROVIDING AN ONLINE COMMERCIAL
INFORMATION DIRECTORY; PROVIDING A
SEARCHABLE ON-LINE ADVERTISING GUIDE
FEATURING THE GOODS AND SERVICES OF

GWEN STOKOLS, EXAMINING ATTORNEY

EXHIBIT B



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Word Mark	AMAZON.COM
Goods and Services	IC 036. US 100 101 102. G & S: underwriting extended warranty contracts in the field of appliances, tools, computers and computer accessories, equipment, electronics, and automobiles; financial and monetary services, namely, financial management, financial planning, financial research, banking services, and mortgage lending; real estate services, multiple listing services, multiple listing services for others, providing information in the field of real estate listings via a global computer network, real estate brokerage; credit card services; debit card services; and charge card services
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	24.15.25 - Other arrows
Serial Number	75895242
Filing Date	January 12, 2000
Current Filing Basis	1B
Original Filing Basis	1B
Published for Opposition	September 27, 2005
Owner	(APPLICANT) Amazon.com, Inc. CORPORATION DELAWARE Suite 1200, 1200 12th Ave. South Seattle WASHINGTON 981442734
Attorney of Record	BRENT D SANDERS
Prior Registrations	2078494;2078496;2167345
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Serial Number: 75895242

Registration Number: (NOT AVAILABLE)

Mark

The logo for amazon.com, featuring the word "amazon.com" in a bold, lowercase, sans-serif font. A curved arrow starts under the letter 'a' and points to the right, ending under the letter 'm'.

(words only): AMAZON.COM

Standard Character claim: No

Current Status: Opposition period completed, a Notice of Allowance has been issued.

Date of Status: 2005-12-20

Filing Date: 2000-01-12

The Notice of Allowance Date is: 2005-12-20

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 109

Attorney Assigned:
STOKOLS GWEN P Employee Location

Current Location: 700 -Intent To Use Section

Date In Location: 2005-12-20

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Amazon.com, Inc.

Address:
Amazon.com, Inc.
Suite 1200, 1200 12th Ave. South
Seattle, WA 981442734
United States

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=75895242>

02/03/2006

Legal Entity Type: Corporation
State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 036

underwriting extended warranty contracts in the field of appliances, tools, computers and computer accessories, equipment, electronics, and automobiles; financial and monetary services, namely, financial management, financial planning, financial research, banking services, and mortgage lending; real estate services, multiple listing services, multiple listing services for others, providing information in the field of real estate listings via a global computer network, real estate brokerage; credit card services; debit card services; and charge card services

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

Basis: 1(b)

ADDITIONAL INFORMATION

Prior Registration Number(s):

2078494

2078496

2167345

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2005-12-20 - Notice of allowance - mailed

2005-09-27 - Published for opposition

2005-09-07 - Notice of publication

2005-06-06 - Law Office Publication Review Completed

2005-05-17 - Assigned To LIE

2005-05-11 - Approved for Pub - Principal Register (Initial exam)

2005-05-09 - Amendment From Applicant Entered

2005-05-03 - Communication received from applicant

2005-05-03 - PAPER RECEIVED

2005-02-03 - Report Completed Suspension Check Case Still Suspended

2004-07-14 - Report Completed Suspension Check Case Still Suspended

2004-03-12 - Case File in TICRS

2003-03-03 - Case file assigned to examining attorney

2001-02-05 - Letter of suspension mailed

2000-11-08 - Communication received from applicant

2000-05-08 - Non-final action mailed

2000-04-21 - Case file assigned to examining attorney

2000-04-21 - Case file assigned to examining attorney

CORRESPONDENCE INFORMATION

Correspondent

BRENT D SANDERS (Attorney of record)

BRENT D SANDERS
AMAZON.COM INC
PO BOX 81226
SEATTLE WA 98108-1226



United States Patent and Trademark Office

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Record 1 out of 1

[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark AMAZON.COM

Goods and Services IC 036. US 100 101 102. G & S: underwriting extended warranty contracts in the field of appliances, tools, computers and computer accessories, equipment, electronics, and automobiles; financial and monetary services, namely, financial management, financial planning, financial research, banking services, and mortgage lending; real estate services, namely, multiple listing services, multiple listing services for others, providing information in the field of real estate listings via a global computer network, real estate brokerage; credit card services; debit card services; and charge card services

Mark Drawing Code (1) TYPED DRAWING

Design Search Code

Serial Number 75830396

Filing Date November 11, 1999

Current Filing Basis 1B

Original Filing Basis 1B

Published for Opposition September 27, 2005

Owner (APPLICANT) Amazon.com, Inc. CORPORATION DELAWARE Suite 1200, 1200 12th Ave. South Seattle WASHINGTON 981442734

Attorney of Record BRENT D SANDERS

Prior Registrations 2078494;2078496;2167345

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Serial Number: 75830396

Registration Number: (NOT AVAILABLE)

Mark (words only): AMAZON.COM

Standard Character claim: No

Current Status: Opposition period completed, a Notice of Allowance has been issued.

Date of Status: 2005-12-20

Filing Date: 1999-11-11

The Notice of Allowance Date is: 2005-12-20

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 109

Attorney Assigned:
STOKOLS GWEN P Employee Location

Current Location: 700 -Intent To Use Section

Date In Location: 2005-12-20

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Amazon.com, Inc.

Address:

Amazon.com, Inc.
Suite 1200, 1200 12th Ave. South
Seattle, WA 981442734
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 036

underwriting extended warranty contracts in the field of appliances, tools, computers and computer accessories, equipment, electronics, and automobiles; financial and monetary services, namely, financial management, financial planning, financial research, banking services, and mortgage lending; real estate services, namely, multiple listing

services, multiple listing services for others, providing information in the field of real estate listings via a global computer network, real estate brokerage; credit card services; debit card services; and charge card services

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

Basis: 1(b)

ADDITIONAL INFORMATION

Prior Registration Number(s):

2078494

2078496

2167345

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2005-12-20 - Notice of allowance - mailed

2005-09-27 - Published for opposition

2005-09-07 - Notice of publication

2005-06-06 - Law Office Publication Review Completed

2005-05-17 - Assigned To LIE

2005-05-11 - Approved for Pub - Principal Register (Initial exam)

2005-05-09 - Amendment From Applicant Entered

2005-05-03 - Communication received from applicant

2005-05-03 - PAPER RECEIVED

2005-02-03 - Report Completed Suspension Check Case Still Suspended

2004-07-14 - Report Completed Suspension Check Case Still Suspended

2004-03-18 - Case File in TICRS

2003-03-03 - Case file assigned to examining attorney

2001-02-05 - Letter of suspension mailed

2000-10-27 - Communication received from applicant

2000-04-28 - Non-final action mailed

2000-04-01 - Case file assigned to examining attorney

2000-03-28 - Case file assigned to examining attorney

2000-03-24 - Case file assigned to examining attorney

CORRESPONDENCE INFORMATION

Correspondent

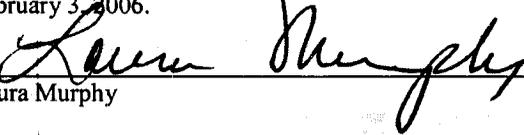
BRENT D SANDERS (Attorney of record)

BRENT D SANDERS
AMAZON.COM INC
PO BOX 81226
SEATTLE WA 98108-1226

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD**

Certificate of Mailing Under 37 CFR §1.10

I hereby certify that this RENEWED MOTION FOR SUMMARY JUDGMENT is being deposited with the U.S. Postal Service as Express Mail No. EV706958125US in an envelope addressed to: Trademark Trial & Appeal Board, U.S. Patent & Trademark Office, P.O. Box 1451, Alexandria, Virginia 22313-1451 on February 3, 2006.


Laura Murphy

In re Serial No. 75-938,128

AMAZON.COM, INC.
1200 12th Avenue South, Suite 1200
Seattle, Washington 98144,

Opposer,

Opposition No. 91,122,000

v.

VON ERIC LERNER KALAYDJIAN
4226 Scandia Way
Los Angeles, California 90065,

Applicant.

Trademark Trial & Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

RENEWED MOTION FOR SUMMARY JUDGMENT

Opposer/Petitioner, Amazon.com, Inc. ("Amazon.com"), hereby renews its Motion for Summary Judgment, pursuant to Fed. R. Civ. P. 56, on its Opposition to United States Trademark Application Serial No. 75/938,128 for "COSMETICSAMAZON" (the "Proposed Mark").

The motion is made on the ground that the COSMETICSAMAZON designation so resembles Amazon.com's famous AMAZON.COM[®] mark as to be likely, when applied to goods

and services of Applicant/Respondent, Von Eric Lerner Kalaydjian ("Applicant"), to cause confusion, or to cause mistake, or to deceive, and is likely to dilute the distinctive quality of the AMAZON.COM[®] mark. Thus, Applicant is not entitled to registration of the Proposed Mark, and registration of the mark should be refused pursuant to 15 U.S.C. § 1052(d).

Amazon.com's motion is supported by Amazon.com's Memorandum in Support of Renewed Motion for Summary Judgment, filed concurrently herewith; the Affidavit of Sarah Silbert in Support of Amazon.com's Renewed Motion for Summary Judgment, filed concurrently herewith; the Affidavit of Katherine Savitt in Support of Amazon.com's Motion for Summary Judgment, filed on August 1, 2005; and the pleadings herein, including Amazon.com's First Amended Notice of Opposition, filed concurrently herewith.

Respectfully Submitted,

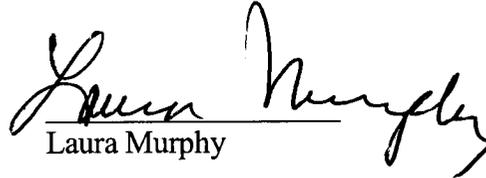
DATED: February 3, 2006



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CERTIFICATE OF SERVICE

I, Laura Murphy, hereby certify that I have mailed a true and correct copy of the foregoing RENEWED MOTION FOR SUMMARY JUDGMENT, with sufficient postage affixed, on this 3d day of February, 2006, to the Respondent herein at the address 4226 Scandia Way, Los Angeles, California 90065-4329.


Laura Murphy

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD

Certificate of Mailing Under 37 CFR §1.10

I hereby certify that this MEMORANDUM IN SUPPORT OF RENEWED MOTION FOR SUMMARY JUDGMENT is being deposited with the U.S. Postal Service as Express Mail No. EV706958125US in an envelope addressed to: U.S. Patent & Trademark Office, Trademark Trial & Appeal Board, P.O. Box 1451, Alexandria, Virginia 22313-1451 on February 3, 2006.

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Alexandria, VA 22313-1451

**MEMORANDUM IN SUPPORT OF RENEWED
MOTION FOR SUMMARY JUDGMENT**

Opposer/Petitioner, Amazon.com, Inc. ("Amazon.com"), hereby renews its motion for summary judgment pursuant to Fed. R. Civ. P. 56 on its Opposition to United States Trademark Application Serial No. 75/938,128 for "COSMETICSAMAZON" (the "Proposed Mark"). On August 1, 2005, Amazon.com filed a Motion for Summary Judgment. On December 22, 2005, the Trademark Trial and Appeal Board issued a decision denying Amazon.com's Motion for Summary Judgment based, in part, on the fact that Amazon.com's Notice of Opposition had not

been formally amended to include notices of allowance and trademark registrations owned by Amazon.com issued by the United States Patent and Trademark Office (“USPTO”) after Amazon.com filed its Notice of Opposition, and the absence of certain facts in Amazon.com’s Notice of Opposition expanding on Amazon.com’s allegations with respect to its use of the Amazon.com Marks in connection with health and beauty products. Amazon.com has moved to amend its Notice of Opposition to include such facts and trademark registrations.¹

Amazon.com respectfully requests that the TTAB consider Amazon.com’s Renewed Motion for Summary Judgment, taking into consideration the registered marks and additional facts pleaded in Amazon.com’s First Amended Notice of Opposition. Applicant’s COSMETICSAMAZON designation so resembles Amazon.com’s famous AMAZON.COM[®] mark as to be likely, when applied to goods and services of Applicant, to cause confusion, or to cause mistake, or to deceive. Thus, Applicant is not entitled to registration of the mark set forth in Application Serial No. 75/938,128, and registration of the mark should be refused pursuant to 15 U.S.C. § 1052(d).

I. BACKGROUND

This proceeding was brought by Amazon.com to prevent registration of Application Serial No. 75/938,128, filed as an Intent to Use application under Section 1(b) of the Lanham Act, 15 U.S.C. § 1051(b). The alleged mark in question is COSMETICSAMAZON for “retail store and on-line ordering services featuring skin tanning preparations, namely lotions, creams, gels and oils, sunblock lotion to be applied to the skin and lips, cosmetics and skin cleaning

¹ Amazon.com seeks, in its Motion to Amend, Notice of Opposition, filed concurrently herewith, to withdraw its cause of action for trademark dilution. Amazon.com’s Amended Notice of Opposition does not include a cause of action for trademark dilution, and the instant Renewed Motion for Summary Judgment does not address the issue of dilution.

preparations, namely facial soap, body soap, bath oil, hair shampoos and conditioners, skin lotions, face and body cleansers, colognes, eau de toilette, and perfumes.”

Amazon.com moves for summary judgment that registration of “COSMETICSAMAZON” be refused because use of the Proposed Mark in the manner specified in the application is likely to cause confusion, mistake, or deception of consumers of Amazon.com’s goods and services. The record supporting Amazon.com’s position is substantial; more importantly for purposes of this motion, it is uncontroverted.

A. Amazon.com and the Famous AMAZON.COM[®] Mark

Amazon.com was at the forefront of the Internet revolution, and is one of the best-known Internet retailers in the world today. Affidavit of Katherine Savitt in Support of Amazon.com’s Motion for Summary Judgment (“Savitt Aff.”), ¶ 16.² Amazon.com was one of the first corporations to make the name of its business identical to the domain name from which its business operates—such that anyone using the Internet to find its Web site need only remember the name of the company. *Id.*, ¶ 3 and Exs. B and C.

Since its inception in 1995, the Amazon.com Site has continuously operated from the Internet address <www.amazon.com> (“Amazon.com Site”). *Id.*, ¶ 10 and Exs. A, B and D. When Amazon.com opened its cyber-doors, its site primarily featured books. Before Applicant filed his application to register the Proposed Mark, however, Amazon.com expanded its operations to include an exceptionally broad selection of products, from books to DVDs, to electronics, to personal care products, to toys to jewelry to clothing. *Id.*, ¶ 7 and Exs. J and K.

² In the interest of avoiding voluminous, duplicative filings, Amazon.com has not re-filed a copy of the Savitt Affidavit with its Renewed Motion for Summary Judgment. A second copy of the Savitt Affidavit and Exhibits was served on Applicant along with Amazon.com’s Renewed Motion for Summary Judgment and related papers. *See* Affidavit of Sarah Silbert in Support of Amazon.com’s Renewed Motion for Summary Judgment (“Silbert Aff.”), ¶ 9 and Ex. H. Amazon.com’s Renewed Motion for Summary Judgment refers to, and incorporates by reference, the Savitt Affidavit and exhibits thereto.

Before Applicant filed Application Serial No. 75/938,128 (on March 8, 2000), Amazon.com had offered under its mark the goods and services described in the application for COSMETICSAMAZON. On January 24, 2000, Amazon.com announced a strategic alliance with Drugstore.com, which allowed Amazon.com's customers to purchase health, beauty, and personal care products, including skin tanning preparations, cosmetics, skin cleaning preparations, and perfumes, from Drugstore.com on the Amazon.com online retail store. *Id.*, ¶ 9 and Ex. H.

Amazon.com continues to offer for sale products in each of these categories on the Amazon.com Site. Amazon.com owns Registration No. 2,837,138 for AMAZON.COM[®] for automated and computerized trading of goods and online mail order services featuring, among other things, "soaps, perfumery, cosmetics" and "cosmetic utensils;" Registration No. 2,832,943 for AMAZON[®] and Registration No. 2,649,373 for AMAZON.COM OUTLET[®] for electronic retailing services via computer and on-line searchable database featuring, among other things, "soap, perfumery, cosmetics" and "cosmetic utensils".³ *Id.*, ¶ 9 and Ex. J and I. Further, Amazon.com owns 20 additional U.S. registrations for AMAZON.COM[®] and related marks, under which Amazon.com offers millions of products in 31 product categories, including jewelry and watches, gourmet food, sports and outdoors, apparel and accessories, books, music, DVDs, electronic and office, toys and baby, and home and garden. *Id.*, ¶ 7 (collectively, the "Amazon.com Marks").⁴

Over the past ten years, Amazon.com has experienced tremendous success that has made it the envy of its competition. Beginning with only two employees, and operating from the

³ The full description of goods and services described in Amazon.com's Registration Nos. 2,837,138, 2,649,373 and 2,832,943 are set forth in the Savitt Aff., ¶ 9.

⁴ Copies of certified status and title copies of Amazon.com's 23 U.S. trademark registrations for marks incorporating the term "AMAZON" (collectively, the "Amazon.com Marks") are attached as Exhibit I to the Silbert Affidavit.

garage in the home where Amazon.com's founder and his wife lived, Amazon.com is now a publicly traded company that employs more than 9,000 individuals. *Id.*, ¶ 14. From its inception, Amazon.com has experienced tremendous growth. Amazon.com's revenues in fiscal 2000, the year Applicant filed the application to register COSMETICSAMAZON, were \$2.76 billion, up from \$1.69 billion the previous year, and significantly greater than its revenues of \$15.7 million in fiscal 1996. Amazon.com's remarkable growth has continued; in fiscal 2004, Amazon.com earned revenues of almost \$7 billion. *Id.*, ¶ 13 and Ex. K.

The term "Amazon.com" is not only the name of Opposer/Petitioner's company, but the most important and easily recognized identifier of the goods and services it offers. There is a particularly close association among consumers between Amazon.com the business, the AMAZON.COM[®] mark, and the products and services offered under the Amazon.com designation. For millions of consumers, the name "Amazon.com" has come to represent wide selection, free shipping, fast delivery, fair pricing, and excellent security for Internet transactions. *Id.*, ¶¶ 10, 15-16 and Exs. L-O.

There is no doubt that the AMAZON.COM[®] mark is one of the best known trademarks in America. Just a few examples should suffice to demonstrate how ubiquitous this symbol has become:

- Tens of millions of customers in the United States have made purchases through the Amazon.com Site. Every one of these purchasers has, at a minimum, seen the AMAZON.COM[®] mark on the Web site, on the packaging in which his or her order was shipped, and in email communications that confirm each order. *Id.* ¶¶ 17 and 19 and Ex. Q and R.

- Many millions more have come to know the AMAZON.COM[®] mark through Amazon.com's extensive advertising in a variety of media. Since 1996, Amazon.com has invested substantially in advertising and promoting the AMAZON.COM[®] marks throughout the United States and the world. All of Amazon.com's advertising makes prominent use of the AMAZON.COM[®] mark—on television and radio, and in newspapers and magazines. *Id.*, ¶ 20 and Exs. S and T.
- A survey by Media Metrix, a company that monitors traffic to popular e-commerce Web sites, identified the Amazon.com Site as one of the most frequently visited shopping sites on the Internet in December 2000 and the year 2001 (ahead of such popular sites as <eBay.com>), and the largest seller of books (ahead of sites operated by Barnes & Noble and Borders), music (ahead of sites operated by Tower Records and BMG Music), toys, software (ahead of sites operated by Bestbuy.com and CompUSA.com) and video (ahead of the Reel.com and BlockBuster.com sites). *Id.*, ¶ 18 and Ex. P.
- Amazon.com has been the subject of significant media coverage, including cover stories in *Fortune* (May 24, 1999) and *Business Week* (September 27, 1999). Lengthy pieces about Amazon.com touting the company's success have also appeared in the Money & Business section of *The New York Times*, *Time Magazine*, *USA Today*, *Advertising Age* and *Wired*. Amazon.com's founder was named *Time Magazine's* "Man of the Year" for 1999, and that issue of *Time* devoted more than 25 pages to stories about Amazon.com and its business.

Amazon.com was again profiled in the cover story of the May 26, 2003 issue of *Fortune*. *Id.*, ¶ 24 and Ex. B.

- The Amazon.com name is found on literally thousands of Internet Web sites. Not only do important Internet retailers (*e.g.*, AOL.com) carry Amazon.com “banner” ads on their homepages, but more than 800,000 other Web site operators around the world have become Amazon.com “Associates,” and are thus permitted to link to the Amazon.com site and to display the AMAZON.COM[®] mark on their Web sites. *Id.*, ¶¶ 22 and 23 and Exs. V and W.
- A 2000 study by Interbrand Group, a leading international brand consultancy company, identified Amazon.com as one of the most valuable trademarks in America, ahead of such valuable brands as “Hilton” and “Guinness.” Interbrand has included Amazon.com in its ranking of the 100 most valuable brands in each subsequent year and, in 2005, estimated that the Amazon.com brand was worth substantially more than \$4 billion. *Id.*, ¶ 24 and Ex. X.

Moreover, the AMAZON.COM[®] mark is famous by virtue of its inherent distinctiveness and substantial secondary meaning as a designation of the source of the products Amazon.com sells and by its continuous and broad use for virtually the entire life of the Internet as a commercial medium. The AMAZON.COM[®] mark is particularly well known among Internet users, the trading areas and channel of trade used by both Complainant and Respondent. No other major on-line business uses any variant of “Amazon” in its name, very few registered trademarks use the term “Amazon” in connection with the goods described in the application for COSMETICSAMAZON and sold by Amazon.com. *Id.*, ¶ 12; Silbert Aff., ¶ 2-4 and Exs A-C.

B. Applicant and his Alleged Mark “COSMETICSAMAZON”

On March 8, 2000—five years after Amazon.com began doing business, and after the AMAZON.COM mark had already become strong and famous—Applicant filed an intent-to-use application Serial Number 75-938,128 to register “COSMETICSAMAZON” as a trademark for “*retail store and on-line ordering services* featuring skin tanning preparations, namely lotions, creams, gels and oils, sunblock lotion to be applied to the skin and lips, cosmetics and skin cleaning preparations, namely facial soap, body soap, bath oil, hair shampoos and conditioners, skin lotions, face and body cleansers, colognes, eau de toilette, and perfumes” (emphasis supplied). The goods and services and channels of trade described in the COSMETICSAMAZON application are identical or nearly identical to the goods sold, and channels of trade sold used, by Amazon.com and described in Amazon.com’s Registrations for the Amazon.com Marks. Savitt Aff., ¶ 9 and Ex. J. Moreover, the COSMETICSAMAZON designation uses the term “Amazon,” the primary, distinctive component of Amazon.com’s registered marks, adding only the descriptive term “COSMETICS.”

II. ARGUMENT

A. Amazon.com Has Standing to Bring the Present Opposition Proceeding.

Amazon.com will be damaged by registration of the Proposed Mark, and therefore has standing to oppose registration of the mark. In particular, Amazon.com will be damaged because of the fame, and Amazon.com’s extensive use of, the Amazon.com Marks. The COSMETICSAMAZON designation, when applied to Applicant’s goods and services, are likely to cause confusion, mistake, or deception when used contemporaneously with the Amazon.com Marks. Amazon.com thus has standing to bring this Opposition proceeding. *See Alfred Electronics v. Alfred Manufacturing Co.*, 333 F.2d 912, 142 U.S.P.Q. 168 (C.C.P.A. 1964).

B. Legal Standard for Motion for Summary Judgment

Disposing of cases on the basis of summary judgment is economically and judicially efficient, and is thus strongly encouraged in *inter partes* cases before the TTAB. *Pure Gold, Inc. v. Syntex*, 739 F.2d 624, 627 n.2 (Fed. Cir. 1984); *IBN Nat'l Bank v. Metrohost, Inc.*, 22 U.S.P.Q.2d 1585, 1586 (1992) (granting motions for summary judgment in TTAB cases is common because the forum seems particularly suitable to this type of disposition).

Accordingly, this motion seeks summary judgment pursuant to Fed. R. Civ. P. 56. A court (or an agency like the TTAB, which has adopted rules parallel to the FRCP) may grant summary judgment when the submissions in the record “show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(c). “The inquiry performed is the threshold inquiry of determining whether there is the need of a trial—whether, in other words, there are any genuine factual issues that properly can be resolved only by a finder of fact because they may reasonably be resolved in favor of either party.” *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 250 (1986).

The party opposing summary judgment must “do more than simply show that there is some metaphysical doubt as to material facts.” *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 485 U.S. 574, 586 (1986). If the responding party’s “evidence is merely colorable or is not significantly probative, summary judgment may be granted.” *Anderson*, 477 U.S. at 249-50.

C. Concurrent Use of Applicant’s “COSMETICSAMAZON” Mark and the Famous AMAZON.COM® Mark Is Likely to Cause Confusion, Mistake or Deception.

Applicant’s mark should be refused registration under Section 2(d) of the Trademark Act, 15 U.S.C. § 1052, because “COSMETICSAMAZON,” when applied to the goods and services

described in the application, so resembles the Amazon.com Marks previously registered in the United States as to be likely to cause confusion, or to cause mistake, or to deceive.

The court in *E. I. DuPont De Nemours & Co.*, 476 F.2d 1357, 177 U.S.P.Q. 563 (C.C.P.A. 1973) enumerated thirteen factors to be considered in determining whether a likelihood of confusion has been established: (1) the fame of the senior user's trademark; (2) the similarity and nature of the goods or services as described in an application or registration or in connection with which the senior user's mark has been used; (3) the similarity of the marks; (4) identity of trade channels; (5) the degree of care exercised by purchasers; (6) the number and nature of similar marks in use on similar goods; (7) the variety of goods on which the mark is used; (8) the extent to which applicant has a right to exclude others from the use of its mark on its goods; (9) the extent of potential confusion; (10) the market interface between applicant and owner of a prior mark; (11) the nature and extent of evidence of actual confusion; (12) concurrent use with evidence of actual confusion; (13) any other established fact probative of the effect of use. *Id.*

A finding of likelihood of confusion need not be supported by all, or even a majority of, the *DuPont* factors. *In re Magestic Distilling Co., Inc.*, 315 F.3d 1311, 1315 (Fed. Cir. 2003) ("Not all of the *DuPont* factors may be relevant or of equal weight in a given case, and 'any one of the factors may control in a particular case'") (citations omitted); *Giant Food, Inc. v. Nation's Foodservice, Inc.*, 710 F.2d 1565 (Fed. Cir. 1983) (reversing dismissal of opposition despite finding that one out of four *DuPont* factors considered favored applicant); *Specialty Brands, Inc. v. Coffee Bean Distributors, Inc.*, 748 F.2d 669, 671 (Fed.Cir. 1984) (court must consider "pertinent" factors and make likelihood of confusion determination from "the probative facts in evidence"). When the likelihood of confusion analysis is closely balanced, the question should

be resolved in favor of the senior user, especially when the senior user's mark is famous. McCarthy § 23:64; *Specialty Brands*, 748 F.2d at 674 (“When balancing the interests in a famous, established mark against the interests of a newcomer, we are compelled to resolve doubts on this point against the newcomer”); *Nina Ricci, S.A.R.L., v. E.F.T. Enterprises, Inc.*, 889 F.2d 1070, 1074 (Fed. Cir. 1989) (“all doubt as to whether confusion, mistake, or deception is likely is to be resolved against the newcomer, especially where the established mark is one which is famous”).

Here, the record demonstrates that every relevant *DuPont* factor favors Amazon.com. Applicant can identify no evidence to contravene Amazon.com's showing on each of the factors relevant to deciding whether consumer confusion is likely. Even a cursory analysis of the facts and law supporting Amazon.com's claim that a likelihood of confusion will arise from the registration of COSMETICSAMAZON confirm that summary judgment is appropriate.

1. The AMAZON.COM[®] Mark is Strong and, Indeed, Famous.

Famous or strong marks enjoy a wide latitude of legal protection. *Kenner Parker Toys, Inc.*, 963 F.2d at 352. In fact, the “fame” factor, “when present, plays a ‘dominant’ role in the process of balancing the *DuPont* factors.” *Recot, Inc. v. M.C. Becton*, 214 F.3d 1322, 1327 (Fed. Cir. 2000); *see also Century 21 Real Estate Corp. v. Century Life of America*, 970 F.2d 874, 877 (Fed. Cir. 1992) (“[T]he Lanham Act's tolerance for similarity between competing marks varies inversely with the fame of the prior mark' Thus, the fame of CENTURY 21 increases the likelihood of confusion with applicant's mark”) (quoting *Kenner Parker Toys, Inc. v. Rose Art Indus., Inc.*, 963 F.2d 350, 352 (Fed. Cir. 1992)); *R. J. Reynolds Tobacco Co. v. R. Seelig & Hille*, 201 U.S.P.Q. 856, 860 (TTAB 1978) (“the law today rewards a famous or well known mark with a larger cloak of protection than in the case of a lesser known mark because of the

tendency of the consuming public to associate a relatively unknown mark with one to which they have long been exposed if the [relatively unknown] mark bears any resemblance thereto”).

Famous marks are accorded more protection because they are more likely to be remembered and associated in the public mind than a weaker mark. *Recot, Inc.*, 214 F.3d at 1327.

The fame of a mark can be measured by volume of sales, advertising, and length of use. *Giant Food, Inc.*, 710 F.2d at 1569. Amazon.com has presented substantial and uncontroverted evidence that the AMAZON.COM[®] mark is famous a result of Amazon.com’s rapid growth, Amazon.com’s long use of the Amazon.com Marks, the widespread promotion and press coverage of Amazon.com and its marks and Amazon.com’s substantial advertising and marketing efforts. It is difficult to imagine a more compelling showing of strength than presented in this record.

2. Applicant and Amazon.com Sell Directly Competitive Goods and Services.

The Federal Circuit has adopted the common-sense rule that the greater the similarity between the goods sold by the parties, the greater the likelihood that the use of similar marks will cause consumer confusion. *Century 21 Real Estate Corp.*, 970 F.2d at 877. Moreover, in the context of the Internet, the definition of “related” is extremely broad:

With respect to Internet services, even services that are not identical are capable of confusing the public. Although even Web tyros can distinguish between a web site that, for example, provides discount travel tickets and one that provides free Web-based e-mail, a user would almost certainly assume a common sponsorship if the sites’ trademarks were the same Whereas in the world of bricks and mortar, one may be able to distinguish easily between an expensive restaurant in New York and a mediocre one in Los Angeles, the Web is a very different world.

GoTo.com, Inc. v. The Walt Disney Co., 202 F.3d 1199, 1206 (9th Cir. 2000) (citations omitted).

Here, the Application for the Proposed Mark specifically states that Applicant will use

the COSMETICSAMAZON designation on the Internet, *i.e.*, in connection with “retail store and on-line ordering services,” and the goods described in the COSMETICSAMAZON application are directly competitive with goods that can be purchased through the Amazon.com Site, specifically: cosmetics, soaps and perfumes. Savitt Aff., ¶ 9 and Exs. I and J. To the extent that Amazon.com offers products that are not offered by Applicant, consumers still are likely to believe there is some relationship between the Applicant and Amazon.com because, in the minds of consumers, the AMAZON.COM[®] mark identifies the source of an extremely broad range of goods and services. Savitt Dec., ¶¶ 7, 19-24; *see Armco, Inc. v. Armco Burglar Alarm Co.*, 693 F.2d 1155, 1161 (5th Cir. 1982) (“Diversification makes it more likely that a potential customer would associate the nondiversified company’s services with the diversified company” even if the two companies do not actually compete); *R. J. Reynolds Tobacco Co.*, 201 U.S.P.Q. at 859 (recognizing “the common practice which is so prevalent today for large corporations, not only to expand their present line of products, but also to diversify their business to include new fields of endeavor,” and refusing registration of “Sir Winston” for teas where “Winston” was already in use in connection with cigarettes). These undisputed facts, and the similarity between the COSMETICSAMAZON designation and the AMAZON.COM[®] mark, increase the likelihood that consumers will be confused by the Proposed Mark. *Century 21 Real Estate Corp.*, 970 F.2d at 877. Thus, this factor strongly favors Amazon.com

**3. COSMETICSAMAZON Is Extremely Similar to the
AMAZON.COM[®] Mark.**

It is not necessary for the marks to be identical in order for the mark of the junior user to create a likelihood of confusion. *See Fleischmann Distilling Corp. v. Maier Brewing Co.*, 314 F.2d 149, 161 (9th Cir., 1963) (citing *Saxlehner v. Eisner & Mendelson Co.*, 179 U.S. 19 (1900)).

When one feature of a mark is more significant than other features, it is proper to give greater force and effect to the dominant feature. *Giant Food, Inc.*, 710 F.2d at 1570 (similarity factor favored finding that GIANT HAMBURGER was confusingly similar to GIANT, G/GIANT, G/GIANT FOOD, SUPER GIANT and G/GIANT PHARMACIES marks); 3 *McCarthy*, § 23:42 (“It is appropriate in determining the question of likelihood of confusion to give greater weight to the ‘dominant’ parts of a composite mark, for it is that which may make the greatest impression on the ordinary buyer”).

COSMETICSAMAZON is without question confusingly similar in sound and appearance to the AMAZON.COM[®] mark. Applicant has incorporated the AMAZON[®] mark in its entirety, and the dominant portion of the AMAZON.COM[®] and AMAZON.COM OUTLET[®] marks, into the COSMETICSAMAZON mark, adding only the descriptive term “cosmetics” to the mark. Otherwise, the COSMETICSAMAZON mark is identical to that of Amazon.com.⁵ The similarity between the names adds to the likelihood that consumers who encounter the COSMETICSAMAZON mark will believe that products offered under that designation are in some way connected to Amazon.com. Such similarities have “often resulted in a finding that the two marks are likely to confuse.” *Original Appalachian Artworks, Inc. v. Topps Chewing Gum, Inc.*, 642 F. Supp. 1031, 1037 (N.D. Ga. 1986). Moreover, the relatively insignificant differences between the marks are outweighed in importance by the fame of the AMAZON.COM[®] mark and the identical nature of the health and beauty products offered by the Applicant and Amazon.com. *Kenner Parker Toys, Inc.*, 963 F.2d at 353 (“[T]he Lanham Act’s tolerance for similarity between competing marks varies inversely with the fame of the prior

⁵ Marks far more dissimilar have frequently been found to be infringing. See *Original Appalachian Artworks, Inc.*, 642 F. Supp. at 1037 (GARBAGE PAIL KIDS infringed CABBAGE PATCH KIDS[®] trademark); *Saks & Co.*, 843 F. Supp. at 623 (SACKS THRIFT AVENUE infringed SAKS FIFTH AVENUE[®] mark); *Grey v. Campbell Soup Co.*, 650 F. Supp. at 1175 (DOGIVA and CATIVA infringed GODIVA[®] trademark).

mark”); *R. J. Reynolds Tobacco Co.*, 201 U.S.P.Q. at 856 (“the law today rewards a famous or well known mark with a larger cloak of protection than in the case of a lesser known mark because of the tendency of the consuming public to associate a relatively unknown mark with one to which they have long been exposed if the [relatively unknown] mark bears any resemblance thereto”)

4. Similarity of Trade Channels

The application for the Proposed Mark specifically states that Applicant will use the COSMETICSAMAZON designation in connection with “retail store and on-line ordering services.” Similarly, the Amazon.com Site is an online retail store on which consumers can order a wide variety of goods, including goods that are directly competitive with those described in the application for the Proposed Mark. Applicant’s planned use of the COSMETICSAMAZON mark in a channel of trade identical to that in which Amazon.com uses the Amazon.com Marks creates a particularly strong likelihood that consumers will assume that the goods offered under their respective marks are related, though they are not. *See* discussion at Section II.C.2., *supra*. Applicant and Amazon.com sell to the same universe of consumers: purchasers of personal care products such as cosmetics, perfumes and soaps. Clearly, the proximity and overlap of customers and the channels through which the goods at issue can be purchased demonstrates that this factor favors a finding of likelihood of confusion.

5. Consumer Care is Low for Inexpensive Products, Increasing the Likelihood of Confusion.

The goods at issue here are relatively inexpensive; consumers can buy thousands of cosmetics, soaps, tanning and fragrance products in the \$0 to \$24 range on the Amazon.com Site, the price range in which Applicant currently sells his products. *Savitt Aff.*, ¶ 9 and Ex.I; *Silbert*

Aff., ¶ 5-8 and Exs. D-G. Federal Circuit decisions recognize that consumers devote limited attention to the purchase of such low cost, consumable goods, which are subject to impulse buying and/or frequent replacement. *See Kenner Parker Toys*, 963 F.2d at 355; *Specialty Brands*, 748 F.2d at 672; *Recot, Inc.*, 214 F.3d at 1329. Because the threshold of consumer care is low with respect to these types of goods, the likelihood of confusion caused by the COSMETICSAMAZON designation on those goods is increased. *See Home Shopping Club, Inc. v. Charles of the Ritz Group, Inc.*, 820 F. Supp. 763, 773 (S.D.N.Y. 1993) (consumer care factor favored finding of likelihood confusion because buyers of skin creams are primarily casual impulse purchasers); *Recot, Inc.*, 214 F.3d at 1329 (snack foods and dog treats); *In Re Majestic Drilling Co., Inc.*, 315 F.3d at 1316 (malt liquor and tequila). Moreover, “[t]he fame of a trademark may affect the likelihood purchasers will be confused inasmuch as less care may be taken in purchasing a product under a famous name.” *Kenner Parker Toys, Inc.*, 963 F.2d at 353. Thus, this factor favors Amazon.com.

6. Number and Nature of Similar Marks Used on Similar Goods

The relevant inquiry for this factor is the extent to which similar marks are used on similar goods and services. *Century 21 Real Estate Corp.*, 970 F.2d at 877-878. Other than the AMAZON.COM[®], AMAZON[®] AND AMAZON.COM OUTLET[®] marks—all owned and used exclusively by Amazon.com—the only other registration using the word “Amazon” on goods related to cosmetics, or make-up, is the mark AMAZON CARE CHEMICALS, which is used for chemicals used in the making of cosmetics, and not as a brand for selling cosmetics. *Silbert Dec.*, ¶ 2 and Ex. A. Similarly, other than Amazon.com’s AMAZON.COM[®], AMAZON[®] AND AMAZON.COM OUTLET[®] marks, the registrations of marks using “Amazon” on soaps, cleansers or fragrance products are the marks AMAZONE & Design and AMAZON FACTORY

THE MYSTERIES & MAGIC OF THE AMAZON & Design. *Id.*, ¶ 3 and 4 and Exs. B and C.

The paucity of registrations using “Amazon” on similar goods favors Amazon.com.

7. The Extent to Which Applicant has a Right to Exclude Others from the Use of its Mark on its Goods

Amazon.com has an extensive right to exclude others from the use of the famous AMAZON.COM[®] mark. When the senior user’s mark is famous, it is able to prevent the use of a wide range of variations on that mark: “When a famous mark is at issue, a competitor must pause to consider carefully whether the fame of the mark, accorded its full weight, casts a ‘long shadow which competitors must avoid.’” *Recot, Inc.*, 214 F.3d at 1328 (quoting *Kenner Parker Toys, Inc.*, 963 F.2d at 353); *see also Nina Ricci S.A.R.L.*, 889 F.2d at 1074 (“There is no excuse for even approaching the well-known trademark of a competitor”) (internal citations omitted); *R. J. Reynolds Tobacco Co.*, 201 U.S.P.Q. at 860 (“larger cloak of protection” given to famous or well-known marks due to tendency of consumers to “associate a relatively unknown mark with one to which they have long been exposed” if the unknown mark “bears any resemblance” to the famous or well-known mark). Here, it is uncontestable that the AMAZON.COM[®] mark is famous. Amazon.com therefore can preclude Applicant from using COSMETICSAMAZON, a close variation on the AMAZON.COM[®] Marks, on identical goods.

8. Variety of Goods on Which the Mark is Used

As discussed *supra*, in Section II.C.2., when the senior user sells a wide range of products under its mark, “[d]iversification makes it more likely that a potential customer would associate the non-diversified company’s services with the diversified company, even though the two companies do not actually compete.” *Armco, Inc.*, 693 F.2d at 1161; *see also* 2 J. McCarthy,

•

Trademarks § 24:8 at 193 (“Since likelihood of confusion turns on the state of mind of the reasonably prudent buyer, the law must take into account that such a buyer knows that modern corporations have control over widely diversified products.”); *R. J. Reynolds Tobacco Co.*, 201 U.S.P.Q. at 859 (recognizing “the common practice which is so prevalent today for large corporations, not only to expand their present line of products, but also to diversify their business to include new fields of endeavor,” and refusing registration of “Sir Winston” for teas where “Winston” was already in use in connection with cigarettes). Here, not only does Amazon.com sell a wide variety of products using the AMAZON.COM[®] Marks, but it is undisputed that the goods described in the application for COSMETICSAMAZON are directly competitive with goods offered for sale by Amazon.com. Therefore, this factor increases the likelihood that consumers will associate COSMETICSAMAZON with Amazon.com. *See also Kenner Parker Toys, Inc.*, 963 F.2d at 355 (“Kenner’s lengthy and extensive use of the PLAY-DOH mark on a wide variety of toy products emphasizes the mark’s fame and strength”).

9. Market Interface between Applicant and Owner of a Prior Mark

This factor concerns whether the senior user has consented to the use of its mark by the applicant. *E.I. DuPont de Nemours & Co.*, 476 F.2d at 1361. Here, Amazon.com has never consented to Applicant’s use the COSMETICSAMAZON designation. Thus, this factor is either irrelevant, or favors Amazon.com.

10. Evidence Of Actual Confusion is Unnecessary

It is well-settled that, while “[a] showing of actual confusion would of course be highly probative, if not conclusive, of a high likelihood of confusion [t]he opposite is not true The lack of evidence of actual confusion carries little weight.” *In Re Majestic Drilling Co., Inc.*, 315 F.3d at 1317; *Giant Food, Inc.*, 710 F.2d at 1571 (“it is unnecessary to show actual

confusion in establishing likelihood of confusion”); *Academy of Motion Picture Arts and Sciences v. Creative House Promotions, Inc.*, 944 F.2d 1446, 1456 (9th Cir. 1991) (“Actual confusion is not necessary to a finding of likelihood of confusion under the Lanham Act”).

Thus, this factor is of minimal importance, particularly in light of the voluminous, uncontested evidence of the fame of the AMAZON.COM® Marks.

III. CONCLUSION

WHEREFORE, PREMISES CONSIDERED, Petitioner prays for an Order granting summary judgment to Amazon.com and refusing Applicant’s application Serial No. 75/938,128 for COSMETICSAMAZON.

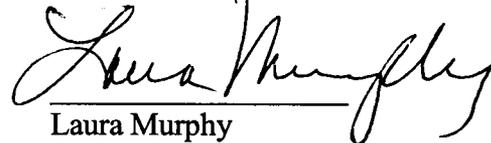
DATED: February 3, 2006



John C. Rawls
Sarah Silbert
FULBRIGHT & JAWORSKI L.L.P.
Attorneys for Petitioner Amazon.com, Inc.
555 S. Flower Street, Floor 41
Los Angeles, California 90071
Telephone: (213) 892-9285
Facsimile: (213) 892-9494

CERTIFICATE OF SERVICE

I, Laura Murphy, hereby certify that I have mailed a true and correct copy of the foregoing MEMORANDUM IN SUPPORT OF RENEWED MOTION FOR SUMMARY JUDGMENT, with sufficient postage affixed, on this 3d day of February, 2006, to the Respondent herein at the address 4226 Scandia Way, Los Angeles, California 90065-4329.

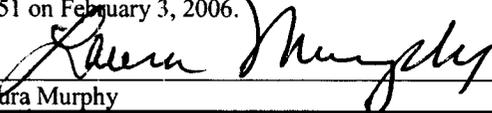


Laura Murphy

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD

Certificate of Mailing Under 37 CFR §1.10

I hereby certify that this AFFIDAVIT OF SARAH SILBERT IN SUPPORT OF AMAZON.COM'S RENEWED MOTION FOR SUMMARY JUDGMENT is being deposited with the U.S. Postal Service as Express Mail No. EV706958125US in an envelope addressed to: Trademark Trial & Appeal Board, U.S. Patent & Trademark Office, P.O. Box 1451, Alexandria, Virginia 22313-1451 on February 3, 2006.


Latria Murphy

In re Serial No. 75-938,128

AMAZON.COM, INC.
1200 12th Avenue South, Suite 1200
Seattle, Washington 98144,

Opposer,

Opposition No. 91,122,000

v.

VON ERIC LERNER KALAYDJIAN
4226 Scandia Way
Los Angeles, California 90065,

Applicant.

Trademark Trial & Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

**AFFIDAVIT OF SARAH SILBERT IN SUPPORT OF AMAZON.COM'S
RENEWED MOTION FOR SUMMARY JUDGMENT**

I, Sarah Silbert, declare:

1. I am an attorney duly licensed to practice in the courts of the State of California. I am an associate at Fulbright & Jaworski L.L.P. ("Fulbright"), counsel of record for Amazon.com, Inc. ("Amazon.com") in this action. I have personal knowledge of the facts set forth in this affidavit, and if called upon to do so, I could and would competently testify to them.

2. Other than marks owned and used exclusively by Amazon.com, the only registration using the word “Amazon” on goods related to cosmetics is the mark AMAZON CARE CHEMICALS, which is used for chemicals used in the making of cosmetics, and not as a brand for selling cosmetics. On February 2, 2006, I searched the Trademark Electronic Search System (“TESS”) on the United States Patent and Trademark Office Web site at the Internet address <<http://www.uspto.gov>> (“USPTO Site”) for registered trademarks with the term “amazon” in the mark, and “cosmetics,” “makeup,” “make up,” or “make-up” in the description of goods and services. True and correct copies of pages printed from the USPTO Site reflecting the results of my search are attached hereto as Exhibit A. The search results included four trademark registrations, three of which—Registration No. 2,837,138 for AMAZON.COM[®], Registration No. 2,832,943 for AMAZON[®], and Registration No. 2,649,373 for AMAZON.COM OUTLET[®] marks—are owned and used exclusively by Amazon.com. The fourth trademark registration is Registration No. 2,647,847 for AMAZON CARE CHEMICALS for “[Chemical products for commercial purposes, namely, basic and intermediate chemicals for use in the manufacture of cosmetics and personal care products] * CHEMICAL PREPARATIONS FOR USE IN THE COSMETICS INDUSTRY; BASIC AND INTERMEDIATE PRODUCTS FOR THE COSMETIC INDUSTRY; NONE BEING FOR SALE TO END USERS *” and “[Chemical research and chemistry consulting services in the area of cosmetic and personal care products and basic and intermediate products therefor] * RESEARCH AND CONSULTANCY, NOT PROVIDED DIRECTLY TO END USERS, IN THE FIELD OF COSMETICS AND OF BASIC AND INTERMEDIATE PRODUCTS FOR THESE *”. Thus, other than marks

owned and used exclusively by Amazon.com, no other registered mark uses the term “amazon” as a brand for selling cosmetics to end users.

3. Similarly, other than marks owned and used exclusively by Amazon.com, only two registrations use “Amazon” on soap. On February 2, 2006, I searched TESS for registered trademarks with the term “amazon” in the mark, and “soap,” “soaps,” “cleanser” or “cleansers” in the description of goods and services. True and correct copies of pages printed from the USPTO Site reflecting the results of my search are attached hereto as Exhibit B. The search results included five trademark registrations, three of which—Registration No. 2,837,138 for AMAZON.COM[®], Registration No. 2,832,943 for AMAZON[®], and Registration No. 2,649,373 for AMAZON.COM OUTLET[®]—are owned and used exclusively by Amazon.com. The only other registrations for marks using “Amazon” on soap are Registration No. 294,8013 for AMAZON FACTORY THE MYSTERIES & MAGIC OF THE RAIN FOREST & Design, and Registration No. 1,636,608 for AMAZONE & Design.

4. Likewise, other than marks owned and used exclusively by Amazon.com, only one registration uses “Amazon” on perfume. On February 2, 2006, I searched TESS for registered trademarks with the term “amazon” in the mark, and “perfume,” “perfumes,” “perfumery,” “colognes,” “cologne,” or “eau de toilette” in the description of goods and services. True and correct copies of pages printed from the USPTO Site reflecting the results of my search are attached hereto as Exhibit C. The search results included four trademark registrations, three of which—Registration No. 2,837,138 for AMAZON.COM[®], Registration No. 2,832,943 for AMAZON[®], and Registration No. 2,649,373 for AMAZON.COM OUTLET[®]—are owned and used exclusively by

Amazon.com. The only other registration for a mark using "Amazon" on perfume is Registration No. 1,636,608 for AMAZONE & Design.

5. Applicant/Respondent Von Eric Lerner Kalaydjian ("Applicant") currently operates a Web site at the Internet address <<http://www.velk.com>>. On February 2, 2006, I entered the term "velk.com" in the Internet search engine located at the Internet address <<http://www.betterwhois.com>>. Attached hereto, as Exhibit D is a printout of the results of the search, demonstrating that Applicant is the registrant of the domain name <velk.com>.

6. On February 2, 2006, I entered the domain name <velk.com> into my Internet browser, and reached the home page of the Web site currently operated by Applicant. The home page of Applicant's Web site at the Internet address <www.velk.com> is attached hereto as Exhibit E.

7. I clicked my computer mouse on the words "Cosmetics Amazon Store" on the home page at <velk.com> and was automatically directed to a directory page, a true and correct copy of which is attached hereto as Exhibit F.

8. The directory page of Applicant's Web site contains a link to products sold by Applicant. After clicking the "PRODUCTS" link with my computer mouse, I was automatically directed to a page on Applicant's Web site on which Applicant offers products for sale for the price of \$15. A true and correct copy of the "products" page of Respondent's Web site is attached hereto as Exhibit G.

9. On February 3, 2006, my office mailed a true and correct copy of the Affidavit of Katherine Savitt in Support of Amazon.com's Motion for Summary Judgment, with sufficient postage affixed, to Applicant at the address 4226 Scandia Way,

Los Angeles, California 90065-4329. A true and correct copy of the proof of service is attached hereto as Exhibit H.

10. True and correct copies of certified status and title registrations for Amazon.com's trademarks comprising or incorporating the term "Amazon.com" are attached hereto as Exhibit I.

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

Dated: February 3, 2006


Sarah Silbert

CERTIFICATE OF SERVICE

I, Laura Murphy, hereby certify that I have mailed a true and correct copy of the foregoing AFFIDAVIT OF SARAH SILBERT IN SUPPORT OF AMAZON.COM'S RENEWED MOTION FOR SUMMARY JUDGMENT, with sufficient postage affixed, on this 3d day of February, 2005, to the Respondent herein at the address 4226 Scandia Way, Los Angeles, California 90065-4329.


Laura Murphy

EXHIBIT A



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Current Search: S5: (make-up or makeup or make up or cosmetics)[GS] and (amazon)[BI] and `rd > "0" docs: 4 occ: 17

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	78005997	2837138	AMAZON.COM	TARR	LIVE
2	78005143	2832943	AMAZON	TARR	LIVE
3	78000527	2649373	AMAZON.COM OUTLET	TARR	LIVE
4	75901733	2647847	AMAZON CARE CHEMICALS	TARR	LIVE

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Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**



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Typed Drawing

Word Mark AMAZON.COM

Goods and Services IC 035. US 100 101 102. G & S: Auctioneering; automated and computerized trading of goods and services for others provided over a global communication information network; online retail store services featuring books, music, videotapes, audiocassettes, compact discs, floppy discs and CD-Roms, printed matters, phonographs, recorded music, toys, household electronic appliances; applied electronic machines and apparatus, photography instruments, musical instruments and fittings thereof; photographs, stationery, jewelry, horological instruments and parts thereof, motor vehicles and parts and accessories thereof, manual and power tools, measuring instruments, physical and chemical instruments, chemicals, soaps, perfumery, **cosmetics**, paints, adhesive for industrial purposes, preservatives, leather, imitation leather, bags and their substitutes, umbrellas, walking sticks, saddlery, materials for building and construction, furniture, fabric, indoor ornaments of textile, tobacco not of medical use, smokers articles, plants, pharmaceuticals, lights, irons and steels, pots, tableware, heaters, cosmetic utensils, yarns and thread for textile use, kitchen and household utensils, games and playthings, electronic publications and greeting cards; and online mail order services featuring books, music, videotapes, audiocassettes, compact discs, floppy discs and CD-Roms, printed matters, phonographs, recorded music, toys, household electronic appliances; applied electronic machines and apparatus, photography instruments, musical instruments and fittings thereof. photographs, stationery, jewelry, horological instruments and parts thereof, motor vehicles and parts and accessories thereof, manual and power tools, measuring instruments, physical and chemical instruments, chemicals, soaps, perfumery, **cosmetics**, paints, adhesive for industrial purposes, preservatives, leather, imitation leather, bags and their substitutes, umbrellas, walking sticks, saddlery, materials for building and construction, furniture, fabric, indoor ornaments of textile, tobacco (not of medical use), smokers articles, plants, pharmaceuticals, lights, irons and steels, pots, tableware, heaters, cosmetic utensils, yarns and thread for textile use, kitchen and household utensils, games and playthings, electronic publications and greeting cards. FIRST USE: 20001114. FIRST USE IN COMMERCE: 20001114

Mark Drawing Code (1) TYPED DRAWING

Design Search Code

Serial Number 78005997

Filing Date April 27, 2000

Current Filing Basis 1A

Original Filing Basis 1B

Published for Opposition November 12, 2002

**Exhibit A- Opp. No. 91,122,000
 Amazon.com, Inc. v. Kalaydjian
 Offering Pty: Amazon.com, Inc.**

Registration Number 2837138
Registration Date April 27, 2004
Owner (REGISTRANT) Amazon.com, Inc. CORPORATION DELAWARE Suite 1200, 12th Ave. South Seattle WASHINGTON 981442734
Attorney of Record SUSAN TAKEMOTO
Prior Registrations 2078494;2078496;2167345
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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**Exhibit A- Opp. No. 91,122,000
 Amazon.com, Inc. v. Kalaydjian
 Offering Pty: Amazon.com, Inc.**



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Typed Drawing

Word Mark AMAZON
Goods and Services IC 035. US 100 101 102. G & S: Electronic retailing services via computer featuring books, music, videotapes, audiocassettes, compact discs, floppy discs and CD-Roms, printed matters, phonographs, recorded music, toys, household electronic appliances, applied electronic machines and apparatus, photography instruments, musical instruments and fittings thereof; photographs, stationery, jewelry, horological instruments and parts thereof, motor vehicles and parts and accessories thereof, manual and power tools, measuring instruments, physical and chemical instruments, chemicals, soaps, perfumery, **cosmetics**, paints, adhesive for industrial purposes, preservatives, leather, imitation leather, bags and their substitutes, umbrellas, walking sticks, saddlery, materials for building and construction, furniture, fabric, indoor ornaments of textile, tobacco (not of medical use), smokers articles, plants, pharmaceuticals, lights, irons and steels, pots, tableware, heaters, cosmetic utensils, yarns and thread for textile use, kitchen and household utensils, games and playthings, electronic publications and greeting cards. providing an on-line searchable database featuring books, music, videotapes, audiocassettes, compact discs, floppy discs and CD-Roms, printed matters, phonographs, recorded music, toys, household electronic appliances, applied electronic machines and apparatus, photography instruments, musical instruments and fittings thereof, photographs, stationery, jewelry, horological instruments and parts thereof, motor vehicles and parts and accessories thereof, manual and power tools, measuring instruments, physical and chemical instruments, chemicals, soaps, perfumery, **cosmetics**, paints, adhesive for industrial purposes, preservatives, leather, imitation leather, bags and their substitutes, umbrellas, walking sticks, saddlery, materials for building and construction, furniture, fabric, indoor ornaments of textile, tobacco (not of medical use), smokers articles, plants, pharmaceuticals, lights, irons and steels, pots, tableware, heaters, cosmetic utensils, yarns and thread for textile use, kitchen and household utensils, games and playthings, electronic publications and greeting cards; auctioneering; computerized on-line ordering featuring books, music, motion pictures, multimedia presentations, computer software, magazines, periodicals, journals, and publications; providing a searchable on-line advertising guide featuring books, music, motion pictures, multimedia presentations, computer software, magazines, periodicals, journals, and publications. FIRST USE: 20011031. FIRST USE IN COMMERCE: 20011031

Mark Drawing Code (1) TYPED DRAWING

Design Search Code

Serial Number 78005143

Filing Date April 21, 2000

Current Filing Basis 1A

Original Filing Basis 1B

**Exhibit A- Opp. No. 91,122,000
 Amazon.com, Inc. v. Kalaydjian
 Offering Pty: Amazon.com, Inc.**

Published for Opposition September 3, 2002
Registration Number 2832943
Registration Date April 13, 2004
Owner (REGISTRANT) Amazon.com, Inc. CORPORATION DELAWARE Suite 1200, 12th Ave. South Seattle WASHINGTON 981442734
Attorney of Record Susan Takemoto
Prior Registrations 2078496;2167345
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark AMAZON.COM OUTLET

Goods and Services IC 035. US 100 101 102. G & S: Electronic retailing services via computer featuring books, music, videotapes, audiocassettes, compact discs, floppy discs and CD-Roms, printed matters, phonographs, recorded music, toys, household electronic appliances; applied electronic machines and apparatus, photography instruments, musical instruments and fittings thereof; photographs, stationery, jewelry, horological instruments and parts thereof, motor vehicles and parts and accessories thereof, manual and power tools, measuring instruments, physical and chemical instruments, chemicals, soaps, perfumery, **cosmetics**, paints, adhesive for industrial purposes, preservatives, leather, imitation leather, bags and their substitutes, umbrellas, walking sticks, saddlery, materials for building and construction, furniture, fabric, indoor ornaments of textile, tobacco (not of medical use), smokers articles, plants, pharmaceuticals, lights, irons and steels, pots, tableware, heaters, cosmetic utensils, yarns and thread for textile use, kitchen and household utensils, games and playthings, electronic publications and greeting cards; and providing an on-line searchable database featuring books, music, videotapes, audiocassettes, compact discs, floppy discs and CD-Roms, printed matters, phonographs, recorded music, toys, household electronic appliances; applied electronic machines and apparatus, photography instruments, musical instruments and fittings thereof. photographs, stationery, jewelry, horological instruments and parts thereof, motor vehicles and parts and accessories thereof, manual and power tools, measuring instruments, physical and chemical instruments, chemicals, soaps, perfumery, **cosmetics**, paints, adhesive for industrial purposes, preservatives, leather, imitation leather, bags and their substitutes, umbrellas, walking sticks, saddlery, materials for building and construction, furniture, fabric, indoor ornaments of textile, tobacco (not of medical use), smokers articles, plants, pharmaceuticals, lights, irons and steels, pots, tableware, heaters, cosmetic utensils, yarns and thread for textile use, kitchen and household utensils, games and playthings, electronic publications and greeting cards. FIRST USE: 20000315. FIRST USE IN COMMERCE: 20000315

Mark Drawing Code (1) TYPED DRAWING

Design Search Code

Serial Number 78000527

Filing Date March 22, 2000

Current Filing Basis 1A

Original Filing Basis 1B

Published for Opposition August 20, 2002

Registration

**Exhibit A- Opp. No. 91,122,000
 Amazon.com, Inc. v. Kalaydjian
 Offering Pty: Amazon.com, Inc.**

Number 2649373
Registration Date November 12, 2002
Owner (REGISTRANT) Amazon.com, Inc. CORPORATION DELAWARE Suite 1200, 12th Ave. South Seattle WASHINGTON 981442734
Attorney of Record SUSAN TAKEMOTO
Prior Registrations 2078494;2078496;2167345
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "OUTLET" APART FROM THE MARK AS SHOWN
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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 Offering Pty: Amazon.com, Inc.**



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TARR Status **ASSIGN Status** **TDR** **TTAB Status** (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark AMAZON CARE CHEMICALS
Goods and Services IC 001. US 001 005 006 010 026 046. G & S: [Chemical products for commercial purposes, namely, basic and intermediate chemicals for use in the manufacture of cosmetic and personal care products] *CHEMICAL PREPARATIONS FOR USE IN THE COSMETIC INDUSTRY; BASIC AND INTERMEDIATE PRODUCTS FOR THE COSMETIC INDUSTRY; NONE BEING FOR SALE TO END USERS *

IC 042. US 100 101. G & S: [Chemical research and chemistry consulting services in the area of cosmetic and personal care products and basic and intermediate products therefor] * RESEARCH AND CONSULTANCY, NOT PROVIDED DIRECTLY TO END USERS, IN THE FIELD OF **COSMETICS** AND OF BASIC AND INTERMEDIATE PRODUCTS FOR THESE *

Mark Drawing Code (1) TYPED DRAWING

Design Search Code

Serial Number 75901733

Filing Date January 24, 2000

Current Filing Basis 44E

Original Filing Basis 44D;44E

Published for Opposition December 25, 2001

Change In Registration CHANGE IN REGISTRATION HAS OCCURRED

Registration Number 2647847

Registration Date November 12, 2002

Owner (REGISTRANT) Cognis Deutschland GmbH CORPORATION FED REP GERMANY Henkelstrasse 67 40589 Duesseldorf FED REP GERMANY

**Exhibit A - Opp. No. 91,122,000
 Amazon.com, Inc. v. Kalaydjian
 Offering Pty: Amazon.com, Inc.**

(LAST LISTED OWNER) COGNIS DEUTSCHLAND GMBH & CO.KG DBA COGNIS DEUTSCHLAND GMBH & CO.KG CORPORATION FED REP GERMANY HENKELSTRASSE 67 R - INTELLECTUAL PROPERTY /

TRADEMARKS DUESSELDORF FED REP GERMANY D-40589

Assignment Recorded
Attorney of Record
Priority Date
Disclaimer
Type of Mark
Register
Live/Dead Indicator

ASSIGNMENT RECORDED
 JOHN E. DRACH
 July 23, 1999
 NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CHEMICALS" APART FROM THE MARK AS SHOWN
 TRADEMARK. SERVICE MARK
 PRINCIPAL
 LIVE

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Exhibit A- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.

EXHIBIT B



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Current Search: S6: (soap or soaps or cleanser or cleansers)[GS] and (amazon)[BI] and `rd > "0" docs: 5 occ: 22

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	78409700	2948013	AMAZON FACTORY THE MYSTERIES & MAGIC OF THE RAIN FOREST	TARR	LIVE
2	78005997	2837138	AMAZON.COM	TARR	LIVE
3	78005143	2832943	AMAZON	TARR	LIVE
4	78000527	2649373	AMAZON.COM OUTLET	TARR	LIVE
5	73832910	1636608	AMAZONE	TARR	LIVE

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Exhibit B- Opp. No. 91,122,000
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 Offering Pty: Amazon.com, Inc.



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TARR Status **ASSIGN Status** **TDR** **TTAB Status** (Use the "Back" button of the Internet Browser to return to TESS)



Word Mark AMAZON FACTORY THE MYSTERIES & MAGIC OF THE RAIN FOREST
Goods and Services IC 003. US 001 004 006 050 051 052. G & S: Body Lotion, body cream, face cream, liquid soap, hair conditioner, hair shampoo, massage oil, shower gels and bath gels. FIRST USE: 20031213. FIRST USE IN COMMERCE: 20040101
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 03.15.19 - Birds or bats in flight or with outspread wings
 05.05.25 - Daffodils; Iris (flower); Other flowers
 26.11.21 - Rectangles that are completely or partially shaded
Serial Number 78409700
Filing Date April 28, 2004
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition February 15, 2005
Registration Number 2948013
Registration Date May 10, 2005
Owner (REGISTRANT) AMAZON FACTORY KATIA LEIDA N. DAS CHAGAS, USA 1 FRANCISCO J. DAS CHAGAS , USA PARTNERSHIP NEW YORK 1619 THIRD AVENUE, #6011 NEW YORK NEW YORK 10128
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "AMAZON" and "RAIN FOREST" APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead

Exhibit B- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.

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**Exhibit B- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**



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Typed Drawing

Word Mark AMAZON.COM

Goods and Services IC 035. US 100 101 102. G & S: Auctioneering; automated and computerized trading of goods and services for others provided over a global communication information network; online retail store services featuring books, music, videotapes, audiocassettes, compact discs, floppy discs and CD-Roms, printed matters, phonographs, recorded music, toys, household electronic appliances; applied electronic machines and apparatus, photography instruments, musical instruments and fittings thereof; photographs, stationery, jewelry, horological instruments and parts thereof, motor vehicles and parts and accessories thereof, manual and power tools, measuring instruments, physical and chemical instruments, chemicals, **soaps**, perfumery, cosmetics, paints, adhesive for industrial purposes, preservatives, leather, imitation leather, bags and their substitutes, umbrellas, walking sticks, saddlery, materials for building and construction, furniture, fabric, indoor ornaments of textile, tobacco not of medical use, smokers articles, plants, pharmaceuticals, lights, irons and steels, pots, tableware, heaters, cosmetic utensils, yarns and thread for textile use, kitchen and household utensils, games and playthings, electronic publications and greeting cards; and online mail order services featuring books, music, videotapes, audiocassettes, compact discs, floppy discs and CD-Roms, printed matters, phonographs, recorded music, toys, household electronic appliances; applied electronic machines and apparatus, photography instruments, musical instruments and fittings thereof. photographs, stationery, jewelry, horological instruments and parts thereof, motor vehicles and parts and accessories thereof, manual and power tools, measuring instruments, physical and chemical instruments, chemicals, **soaps**, perfumery, cosmetics, paints, adhesive for industrial purposes, preservatives, leather, imitation leather, bags and their substitutes, umbrellas, walking sticks, saddlery, materials for building and construction, furniture, fabric, indoor ornaments of textile, tobacco (not of medical use), smokers articles, plants, pharmaceuticals, lights, irons and steels, pots, tableware, heaters, cosmetic utensils, yarns and thread for textile use, kitchen and household utensils, games and playthings, electronic publications and greeting cards. FIRST USE: 20001114. FIRST USE IN COMMERCE: 20001114

Mark Drawing Code (1) TYPED DRAWING

Design Search Code

Serial Number 78005997

Filing Date April 27, 2000

Current Filing Basis 1A

Original Filing Basis 1B

Published for Opposition November 12, 2002

**Exhibit B- Opp. No. 91,122,000
 Amazon.com, Inc. v. Kalaydjian
 Offering Pty: Amazon.com, Inc.**

Registration Number 2837138
Registration Date April 27, 2004
Owner (REGISTRANT) Amazon.com, Inc. CORPORATION DELAWARE Suite 1200, 12th Ave. South Seattle WASHINGTON 981442734
Attorney of Record SUSAN TAKEMOTO
Prior Registrations 2078494;2078496;2167345
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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**Exhibit B- Opp. No. 91,122,000
 Amazon.com, Inc. v. Kalaydjian
 Offering Pty: Amazon.com, Inc.**



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TARR Status **ASSIGN Status** **TDR** **TTAB Status** (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark AMAZON
Goods and Services IC 035. US 100 101 102. G & S: Electronic retailing services via computer featuring books, music, videotapes, audiocassettes, compact discs, floppy discs and CD-Roms, printed matters, phonographs, recorded music, toys, household electronic appliances, applied electronic machines and apparatus, photography instruments, musical instruments and fittings thereof; photographs, stationery, jewelry, horological instruments and parts thereof, motor vehicles and parts and accessories thereof, manual and power tools, measuring instruments, physical and chemical instruments, chemicals, **soaps**, perfumery, cosmetics, paints, adhesive for industrial purposes, preservatives, leather, imitation leather, bags and their substitutes, umbrellas, walking sticks, saddlery, materials for building and construction, furniture, fabric, indoor ornaments of textile, tobacco (not of medical use), smokers articles, plants, pharmaceuticals, lights, irons and steels, pots, tableware, heaters, cosmetic utensils, yarns and thread for textile use, kitchen and household utensils, games and playthings, electronic publications and greeting cards. providing an on-line searchable database featuring books, music, videotapes, audiocassettes, compact discs, floppy discs and CD-Roms, printed matters, phonographs, recorded music, toys, household electronic appliances, applied electronic machines and apparatus, photography instruments, musical instruments and fittings thereof, photographs, stationery, jewelry, horological instruments and parts thereof, motor vehicles and parts and accessories thereof, manual and power tools, measuring instruments, physical and chemical instruments, chemicals, **soaps**, perfumery, cosmetics, paints, adhesive for industrial purposes, preservatives, leather, imitation leather, bags and their substitutes, umbrellas, walking sticks, saddlery, materials for building and construction, furniture, fabric, indoor ornaments of textile, tobacco (not of medical use), smokers articles, plants, pharmaceuticals, lights, irons and steels, pots, tableware, heaters, cosmetic utensils, yarns and thread for textile use, kitchen and household utensils, games and playthings, electronic publications and greeting cards; auctioneering; computerized on-line ordering featuring books, music, motion pictures, multimedia presentations, computer software, magazines, periodicals, journals, and publications; providing a searchable on-line advertising guide featuring books, music, motion pictures, multimedia presentations, computer software, magazines, periodicals, journals, and publications. FIRST USE: 20011031. FIRST USE IN COMMERCE: 20011031

Mark Drawing Code (1) TYPED DRAWING

Design Search Code

Serial Number 78005143

Filing Date April 21, 2000

Current Filing Basis 1A

Original Filing Basis 1B

Exhibit B- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.

Published for Opposition September 3, 2002
Registration Number 2832943
Registration Date April 13, 2004
Owner (REGISTRANT) Amazon.com, Inc. CORPORATION DELAWARE Suite 1200, 12th Ave. South Seattle WASHINGTON 981442734
Attorney of Record Susan Takemoto
Prior Registrations 2078496;2167345
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark AMAZON.COM OUTLET

Goods and Services IC 035. US 100 101 102. G & S: Electronic retailing services via computer featuring books, music, videotapes, audiocassettes, compact discs, floppy discs and CD-Roms, printed matters, phonographs, recorded music, toys, household electronic appliances; applied electronic machines and apparatus, photography instruments, musical instruments and fittings thereof; photographs, stationery, jewelry, horological instruments and parts thereof, motor vehicles and parts and accessories thereof, manual and power tools, measuring instruments, physical and chemical instruments, chemicals, **soaps**, perfumery, cosmetics, paints, adhesive for industrial purposes, preservatives, leather, imitation leather, bags and their substitutes, umbrellas, walking sticks, saddlery, materials for building and construction, furniture, fabric, indoor ornaments of textile, tobacco (not of medical use), smokers articles, plants, pharmaceuticals, lights, irons and steels, pots, tableware, heaters, cosmetic utensils, yarns and thread for textile use, kitchen and household utensils, games and playthings, electronic publications and greeting cards; and providing an on-line searchable database featuring books, music, videotapes, audiocassettes, compact discs, floppy discs and CD-Roms, printed matters, phonographs, recorded music, toys, household electronic appliances; applied electronic machines and apparatus, photography instruments, musical instruments and fittings thereof. photographs, stationery, jewelry, horological instruments and parts thereof, motor vehicles and parts and accessories thereof, manual and power tools, measuring instruments, physical and chemical instruments, chemicals, **soaps**, perfumery, cosmetics, paints, adhesive for industrial purposes, preservatives, leather, imitation leather, bags and their substitutes, umbrellas, walking sticks, saddlery, materials for building and construction, furniture, fabric, indoor ornaments of textile, tobacco (not of medical use), smokers articles, plants, pharmaceuticals, lights, irons and steels, pots, tableware, heaters, cosmetic utensils, yarns and thread for textile use, kitchen and household utensils, games and playthings, electronic publications and greeting cards. FIRST USE: 20000315. FIRST USE IN COMMERCE: 20000315

Mark Drawing Code (1) TYPED DRAWING

Design Search Code

Serial Number 78000527

Filing Date March 22, 2000

Current Filing Basis 1A

Original Filing Basis 1B

Published for Opposition August 20, 2002

Registration

**Exhibit B- Opp. No. 91,122,000
 Amazon.com, Inc. v. Kalaydjian
 Offering Pty: Amazon.com, Inc.**

Number 2649373
Registration Date November 12, 2002
Owner (REGISTRANT) Amazon.com, Inc. CORPORATION DELAWARE Suite 1200, 12th Ave. South Seattle WASHINGTON 981442734
Attorney of Record SUSAN TAKEMOTO
Prior Registrations 2078494;2078496;2167345
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Register PRINCIPAL
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 Amazon.com, Inc. v. Kalaydjian
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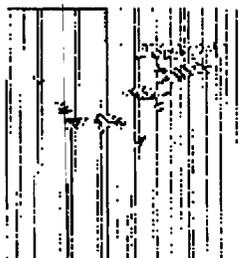
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Word Mark	AMAZONE
Goods and Services	IC 003. US 051 052. G & S: PERFUMES, PERFUMED WATER, TOILET WATER, TOILET SOAPS AND DEODORANTS
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	05.03.25 - Leaf, single; Other leaves 26.11.13 - More than one rectangle; Rectangles (more than one) 26.11.21 - Rectangles that are completely or partially shaded
Serial Number	73832910
Filing Date	October 23, 1989
Current Filing Basis	44E
Original Filing Basis	44D
Published for Opposition	December 11, 1990
Registration Number	1636608
Registration Date	March 5, 1991
Owner	(REGISTRANT) COMPTOIR NOUVEAU DE LA PARFUMERIE CORPORATION FRANCE 23, RUE BOISSY D'ANGLAS PARIS FRANCE
Attorney of Record	ANDREW BAUM
Priority Date	August 29, 1989
Prior Registrations	1019789
Description of Mark	THE MARK IS LINED FOR THE COLORS RED AND GREEN.

**Exhibit B- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**

Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20010613.
Renewal 1ST RENEWAL 20010613
Other Data THE TERMINOLOGY "AMAZONE" IS BOTH THE NAME OF A RIVER IN SOUTH AMERICA AND THE NAME OF THE RACE OF FEMALE WARRIORS OR EXTRAORDINARILY TALL AND STRONG WOMEN.
Live/Dead Indicator LIVE

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Current Search: S7: (perfume or perfumes or perfumery or colognes or cologne or eau de toilette)[GS] and (amazon)[BI] and `rd > "0"

docs: 4 occ:
17

Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead	
1	78005997	2837138	AMAZON.COM	TARR	LIVE
2	78005143	2832943	AMAZON	TARR	LIVE
3	78000527	2649373	AMAZON.COM OUTLET	TARR	LIVE
4	73832910	1636608	AMAZONE	TARR	LIVE

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Exhibit C- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.



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Typed Drawing

Word Mark AMAZON.COM

Goods and Services IC 035. US 100 101 102. G & S: Auctioneering; automated and computerized trading of goods and services for others provided over a global communication information network; online retail store services featuring books, music, videotapes, audiocassettes, compact discs, floppy discs and CD-Roms, printed matters, phonographs, recorded music, toys, household electronic appliances; applied electronic machines and apparatus, photography instruments, musical instruments and fittings thereof; photographs, stationery, jewelry, horological instruments and parts thereof, motor vehicles and parts and accessories thereof, manual and power tools, measuring instruments, physical and chemical instruments, chemicals, soaps, **perfumery**, cosmetics, paints, adhesive for industrial purposes, preservatives, leather, imitation leather, bags and their substitutes, umbrellas, walking sticks, saddlery, materials for building and construction, furniture, fabric, indoor ornaments of textile, tobacco not of medical use, smokers articles, plants, pharmaceuticals, lights, irons and steels, pots, tableware, heaters, cosmetic utensils, yarns and thread for textile use, kitchen and household utensils, games and playthings, electronic publications and greeting cards; and online mail order services featuring books, music, videotapes, audiocassettes, compact discs, floppy discs and CD-Roms, printed matters, phonographs, recorded music, toys, household electronic appliances; applied electronic machines and apparatus, photography instruments, musical instruments and fittings thereof. photographs, stationery, jewelry, horological instruments and parts thereof, motor vehicles and parts and accessories thereof, manual and power tools, measuring instruments, physical and chemical instruments, chemicals, soaps, **perfumery**, cosmetics, paints, adhesive for industrial purposes, preservatives, leather, imitation leather, bags and their substitutes, umbrellas, walking sticks, saddlery, materials for building and construction, furniture, fabric, indoor ornaments of textile, tobacco (not of medical use), smokers articles, plants, pharmaceuticals, lights, irons and steels, pots, tableware, heaters, cosmetic utensils, yarns and thread for textile use, kitchen and household utensils, games and playthings, electronic publications and greeting cards. FIRST USE: 20001114. FIRST USE IN COMMERCE: 20001114

Mark Drawing Code (1) TYPED DRAWING

Design Search Code

Serial Number 78005997

Filing Date April 27, 2000

Current Filing Basis 1A

Original Filing Basis 1B

Published for Opposition November 12, 2002

**Exhibit C- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**

Registration Number 2837138
Registration Date April 27, 2004
Owner (REGISTRANT) Amazon.com, Inc. CORPORATION DELAWARE Suite 1200, 12th Ave. South Seattle WASHINGTON 981442734
Attorney of Record SUSAN TAKEMOTO
Prior Registrations 2078494;2078496;2167345
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Exhibit C- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.



United States Patent and Trademark Office

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Start List At: OR **Jump** to record: **Record 2 out of 4**

TARR Status **ASSIGN Status** **TDR** **TTAB Status** (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark AMAZON
Goods and Services IC 035. US 100 101 102. G & S: Electronic retailing services via computer featuring books, music, videotapes, audiocassettes, compact discs, floppy discs and CD-Roms, printed matters, phonographs, recorded music, toys, household electronic appliances, applied electronic machines and apparatus, photography instruments, musical instruments and fittings thereof; photographs, stationery, jewelry, horological instruments and parts thereof, motor vehicles and parts and accessories thereof, manual and power tools, measuring instruments, physical and chemical instruments, chemicals, soaps, **perfumery**, cosmetics, paints, adhesive for industrial purposes, preservatives, leather, imitation leather, bags and their substitutes, umbrellas, walking sticks, saddlery, materials for building and construction, furniture, fabric, indoor ornaments of textile, tobacco (not of medical use), smokers articles, plants, pharmaceuticals, lights, irons and steels, pots, tableware, heaters, cosmetic utensils, yarns and thread for textile use, kitchen and household utensils, games and playthings, electronic publications and greeting cards. providing an on-line searchable database featuring books, music, videotapes, audiocassettes, compact discs, floppy discs and CD-Roms, printed matters, phonographs, recorded music, toys, household electronic appliances, applied electronic machines and apparatus, photography instruments, musical instruments and fittings thereof, photographs, stationery, jewelry, horological instruments and parts thereof, motor vehicles and parts and accessories thereof, manual and power tools, measuring instruments, physical and chemical instruments, chemicals, soaps, **perfumery**, cosmetics, paints, adhesive for industrial purposes, preservatives, leather, imitation leather, bags and their substitutes, umbrellas, walking sticks, saddlery, materials for building and construction, furniture, fabric, indoor ornaments of textile, tobacco (not of medical use), smokers articles, plants, pharmaceuticals, lights, irons and steels, pots, tableware, heaters, cosmetic utensils, yarns and thread for textile use, kitchen and household utensils, games and playthings, electronic publications and greeting cards; auctioneering; computerized on-line ordering featuring books, music, motion pictures, multimedia presentations, computer software, magazines, periodicals, journals, and publications; providing a searchable on-line advertising guide featuring books, music, motion pictures, multimedia presentations, computer software, magazines, periodicals, journals, and publications. FIRST USE: 20011031. FIRST USE IN COMMERCE: 20011031

Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 78005143
Filing Date April 21, 2000
Current Filing Basis 1A
Original Filing Basis 1B

**Exhibit C- Opp. No. 91,122,000
 Amazon.com, Inc. v. Kalaydjian
 Offering Pty: Amazon.com, Inc.**

Published for Opposition September 3, 2002

Registration Number 2832943

Registration Date April 13, 2004

Owner (REGISTRANT) Amazon.com, Inc. CORPORATION DELAWARE Suite 1200, 12th Ave. South Seattle WASHINGTON 981442734

Attorney of Record Susan Takemoto

Prior Registrations 2078496;2167345

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST	NEXT LIST	FIRST DOC
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**Exhibit C- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**



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Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR **Jump** to record: **Record 3 out of 4**

TARR Status **ASSIGN Status** **TDR** **TTAB Status** (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark AMAZON.COM OUTLET

Goods and Services IC 035. US 100 101 102. G & S: Electronic retailing services via computer featuring books, music, videotapes, audiocassettes, compact discs, floppy discs and CD-Roms, printed matters, phonographs, recorded music, toys, household electronic appliances; applied electronic machines and apparatus, photography instruments, musical instruments and fittings thereof; photographs, stationery, jewelry, horological instruments and parts thereof, motor vehicles and parts and accessories thereof, manual and power tools, measuring instruments, physical and chemical instruments, chemicals, soaps, **perfumery**, cosmetics, paints, adhesive for industrial purposes, preservatives, leather, imitation leather, bags and their substitutes, umbrellas, walking sticks, saddlery, materials for building and construction, furniture, fabric, indoor ornaments of textile, tobacco (not of medical use), smokers articles, plants, pharmaceuticals, lights, irons and steels, pots, tableware, heaters, cosmetic utensils, yarns and thread for textile use, kitchen and household utensils, games and playthings, electronic publications and greeting cards; and providing an on-line searchable database featuring books, music, videotapes, audiocassettes, compact discs, floppy discs and CD-Roms, printed matters, phonographs, recorded music, toys, household electronic appliances; applied electronic machines and apparatus, photography instruments, musical instruments and fittings thereof. photographs, stationery, jewelry, horological instruments and parts thereof, motor vehicles and parts and accessories thereof, manual and power tools, measuring instruments, physical and chemical instruments, chemicals, soaps, **perfumery**, cosmetics, paints, adhesive for industrial purposes, preservatives, leather, imitation leather, bags and their substitutes, umbrellas, walking sticks, saddlery, materials for building and construction, furniture, fabric, indoor ornaments of textile, tobacco (not of medical use), smokers articles, plants, pharmaceuticals, lights, irons and steels, pots, tableware, heaters, cosmetic utensils, yarns and thread for textile use, kitchen and household utensils, games and playthings, electronic publications and greeting cards. FIRST USE: 20000315. FIRST USE IN COMMERCE: 20000315

Mark Drawing Code (1) TYPED DRAWING

Design Search Code

Serial Number 78000527

Filing Date March 22, 2000

Current Filing Basis 1A

Original Filing Basis 1B

Published for Opposition August 20, 2002

Registration

**Exhibit C- Opp. No. 91,122,000
 Amazon.com, Inc. v. Kalaydjian
 Offering Pty: Amazon.com, Inc.**

Number 2649373
Registration Date November 12, 2002
Owner (REGISTRANT) Amazon.com, Inc. CORPORATION DELAWARE Suite 1200, 12th Ave. South Seattle WASHINGTON 981442734
Attorney of Record SUSAN TAKEMOTO
Prior Registrations 2078494;2078496;2167345
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "OUTLET" APART FROM THE MARK AS SHOWN
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Exhibit C - Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.



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Trademarks > Trademark Electronic Search System(Tess)

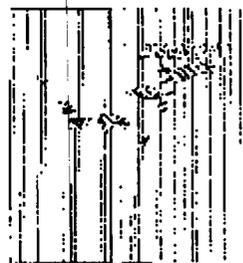
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Word Mark	AMAZONE
Goods and Services	IC 003. US 051 052. G & S: PERFUMES , PERFUMED WATER, TOILET WATER, TOILET SOAPS AND DEODORANTS
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	05.03.25 - Leaf, single; Other leaves 26.11.13 - More than one rectangle; Rectangles (more than one) 26.11.21 - Rectangles that are completely or partially shaded
Serial Number	73832910
Filing Date	October 23, 1989
Current Filing Basis	44E
Original Filing Basis	44D
Published for Opposition	December 11, 1990
Registration Number	1636608
Registration Date	March 5, 1991
Owner	(REGISTRANT) COMPTOIR NOUVEAU DE LA PARFUMERIE CORPORATION FRANCE 23, RUE BOISSY D'ANGLAS PARIS FRANCE
Attorney of Record	ANDREW BAUM
Priority Date	August 29, 1989
Prior Registrations	1019789
Description of Mark	THE MARK IS LINED FOR THE COLORS RED AND GREEN.

**Exhibit C- Opp. No. 91,122,000
 Amazon.com, Inc. v. Kalaydjian
 Offering Pty: Amazon.com, Inc.**

Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20010613.
Renewal 1ST RENEWAL 20010613
Other Data THE TERMINOLOGY "AMAZONE" IS BOTH THE NAME OF A RIVER IN SOUTH AMERICA AND THE NAME OF THE RACE OF FEMALE WARRIORS OR EXTRAORDINARILY TALL AND STRONG WOMEN.
Live/Dead Indicator LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST	NEXT LIST	FIRST DOC
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Exhibit C- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.

EXHIBIT D



velk.com is Reserved

Registrar: DOTSTER, INC.

Status: ACTIVE

Domain options / additional information: *(Click below to expand)*

- + if you own this domain...
- + if you are trying to register/buy this domain...
- + if you are researching this domain...

Domain names in the .com and .net domains can now be registered with many different competing registrars. Go to <http://www.internic.net> for detailed information. Domain Name: VELK.COM

Registrar: DOTSTER, INC.
 Whois Server: whois.dotster.com
 Referral URL: <http://www.dotster.com>
 Name Server: NS1.INETSMART.COM
 Name Server: NS1.INETSMART.NET
 Status: ACTIVE
 Updated Date: 12-feb-2004
 Creation Date: 12-apr-2000

Expiration Date: 12-apr-2006NOTICE: The expiration date displayed in this record is the date the registrar's sponsorship of the domain name registration in the registry is currently set to expire. This date does not necessarily reflect the expiration date of the domain name registrant's agreement with the sponsoring registrar. Users may consult the sponsoring registrar's Whois database to view the registrar's reported date of expiration for this registration.

Network Solutions

Domains, Hosting, Web Sites & More. ICANN Accred. Learn more here!

Internic

Register Available Domain Names. We offer .Com, .Net, .Info, .Biz, .Org

Ads by Goooooogle

[whois.dotster.com]

The data contained in the WHOIS database, while believed by the company to be reliable, is provided "as is", with no guarantee or warranties regarding its accuracy. This information is provided for the sole purpose of assisting you in obtaining information about domain name registration records. Any use of this data for any other purpose, including but not limited to, allowing or making possible dissemination or collection of this data in part or in its entirety for any purpose, such as the transmission of unsolicited advertising and solicitations, is expressly forbidden without the prior written permission of this company. You may not use the data to allow, enable, or otherwise support any marketing activities, regardless of the medium used. Such media include but are not limited to e-mail, telephone, facsimile, postal mail, SMS, and wireless alerts. In addition, you may not sell or redistribute the data. By submitting an inquiry, you agree to these terms of usage and limitations of warranty. Please limit your queries to 10 per minute and one connection.

Registrant:

Von Eric Lerner Kalaydjian
4226 Scandia Way
Los Angeles, CA 90065

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- [Link-to-Us](#)
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Featured Registrar

Register a domain name with **Register.com** for only \$20. Includes:

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Domain Registrars

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- [AWRegistry](#)
- [BB Online UK Ltd.](#)
- [Bizcn.com, Inc.](#)
- [BookMyName SAS](#)
- [BulkRegister.com, Inc.](#)
- [Capital Networks Pty. Ltd.](#)
- [Catalog.com, Inc.](#)
- [China-channel.com](#)
- [CommuniGal Comm.](#)
- [Computer Data Networks](#)
- [CORE](#)
- [Corporate Domains](#)
- [Cronon AG](#)
- [Cyberregistro.com](#)
- [Cypack.com](#)

**Exhibit D- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**

US

Registrar: DOTSTER
Domain Name: VELK.COM
Created on: 12-APR-00
Expires on: 12-APR-06
Last Updated on: 12-FEB-04

Administrative, Technical Contact:
Kalaydjian, Von Eric Lerner mdiliberto@kleinbergler.com
4226 Scandia Way
Los Angeles, CA 90065
US
(323) 550-1221

Domain servers in listed order:
NS1.INETSMART.NET
NS1.INETSMART.COM

End of Whois Information

www. <input type="text"/>	Search
Searches shared database registry and queries appropriate registrar.	

**Exhibit D- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**

EXHIBIT E



VELK

Amazon.com Vs. CosmeticsAmazon

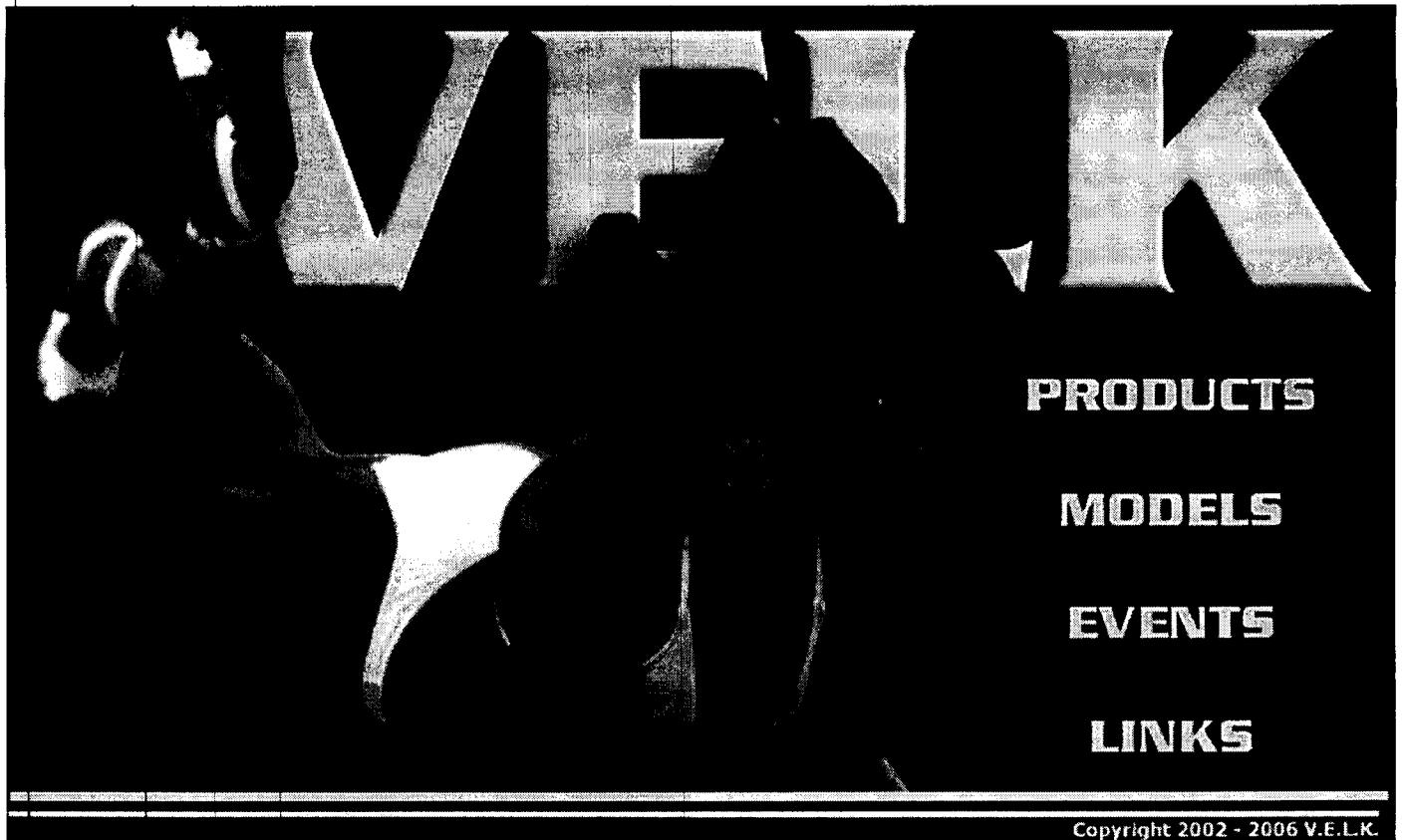
CosmeticsAmazonSM

Cosmetics Amazon StoreTM

AMAZON[®] SUN CARE

**Exhibit E- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**

EXHIBIT F



**Exhibit F- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**

EXHIBIT G

ORDER FORM



AmazonTan® Mango Scented \$15.00 / 8 oz. bottle

AmazonTan® Banana Scented \$15.00 / 8 oz. bottle

Sub-Total

8% CA Sales Tax

Shipping* FREE

TOTAL

Name :

Address :

City :

State :

Zip :

Phone :

Email :

* UPS Ground to US continental locations only.
20% Restocking fee will apply to all returned item(s).
Use your browser "Print" function to print this order form.

Send your order and payment to:
Amazon Cosmetics and Tan Products™
4226 Scandia Ave
Los Angeles, CA 90065

MAIN

Exhibit G- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.

EXHIBIT H

CERTIFICATE OF SERVICE

I, Laura Murphy, hereby certify that I have mailed a true and correct copy of the foregoing AFFIDAVIT OF KATHERINE SAVITT IN SUPPORT OF AMAZON.COM'S MOTION FOR SUMMARY JUDGMENT, with sufficient postage affixed, on this 3rd day of February 2006, to the Respondent herein at the address 4226 Scandia Way Los Angeles, California 90065-4329.

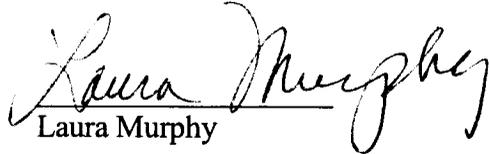
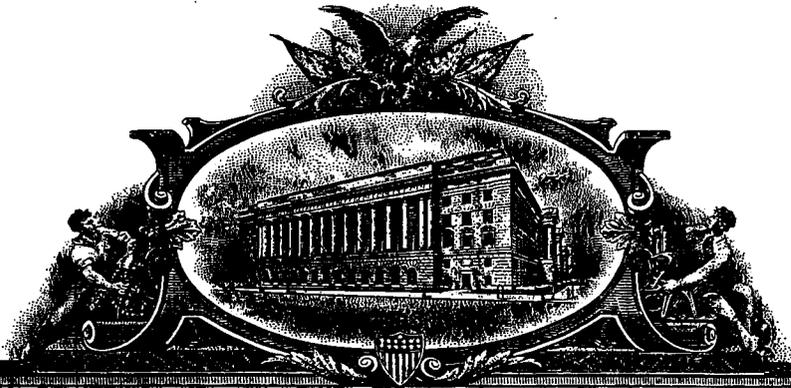

Laura Murphy

EXHIBIT I

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

January 13, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,837,138 IS
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THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
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REGISTERED FOR A TERM OF 10 YEARS FROM *April 27, 2004*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office

M. TARVER
Certifying Officer



Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.

Int. Cl.: 35

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

United States Patent and Trademark Office

Reg. No. 2,837,138

Registered Apr. 27, 2004

**SERVICE MARK
PRINCIPAL REGISTER**

AMAZON.COM

AMAZON.COM, INC. (DELAWARE CORPORATION)
SUITE 1200, 12TH AVE. SOUTH
SEATTLE, WA 981442734

FOR: AUCTIONEERING; AUTOMATED AND COMPUTERIZED TRADING OF GOODS AND SERVICES FOR OTHERS PROVIDED OVER A GLOBAL COMMUNICATION INFORMATION NETWORK; ONLINE RETAIL STORE SERVICES FEATURING BOOKS, MUSIC, VIDEOTAPES, AUDIOCASSETTES, COMPACT DISCS, FLOPPY DISCS AND CD-ROMS, PRINTED MATTERS, PHONOGRAPHS, RECORDED MUSIC, TOYS, HOUSEHOLD ELECTRONIC APPLIANCES; APPLIED ELECTRONIC MACHINES AND APPARATUS, PHOTOGRAPHY INSTRUMENTS, MUSICAL INSTRUMENTS AND FITTINGS THEREOF; PHOTOGRAPHS, STATIONERY, JEWELRY, HOROLOGICAL INSTRUMENTS AND PARTS THEREOF, MOTOR VEHICLES AND PARTS AND ACCESSORIES THEREOF, MANUAL AND POWER TOOLS, MEASURING INSTRUMENTS, PHYSICAL AND CHEMICAL INSTRUMENTS, CHEMICALS, SOAPS, PERFUMERY, COSMETICS, PAINTS, ADHESIVE FOR INDUSTRIAL PURPOSES, PRESERVATIVES, LEATHER, IMITATION LEATHER, BAGS AND THEIR SUBSTITUTES, UMBRELLAS, WALKING STICKS, SADDLERY, MATERIALS FOR BUILDING AND CONSTRUCTION, FURNITURE, FABRIC, INDOOR ORNAMENTS OF TEXTILE, TOBACCO NOT OF MEDICAL USE, SMOKERS ARTICLES, PLANTS, PHARMACEUTICALS, LIGHTS, IRONS AND STEELS, POTS, TABLEWARE, HEATERS, COSMETIC UTENSILS, YARNS AND THREAD FOR TEXTILE USE, KITCHEN AND HOUSEHOLD UTENSILS, GAMES AND PLAYTHINGS, ELECTRONIC PUBLICATIONS AND GREETING CARDS; AND ONLINE MAIL ORDER SERVICES FEATUR-

ING BOOKS, MUSIC, VIDEOTAPES, AUDIOCASSETTES, COMPACT DISCS, FLOPPY DISCS AND CD-ROMS, PRINTED MATTERS, PHONOGRAPHS, RECORDED MUSIC, TOYS, HOUSEHOLD ELECTRONIC APPLIANCES; APPLIED ELECTRONIC MACHINES AND APPARATUS, PHOTOGRAPHY INSTRUMENTS, MUSICAL INSTRUMENTS AND FITTINGS THEREOF; PHOTOGRAPHS, STATIONERY, JEWELRY, HOROLOGICAL INSTRUMENTS AND PARTS THEREOF, MOTOR VEHICLES AND PARTS AND ACCESSORIES THEREOF, MANUAL AND POWER TOOLS, MEASURING INSTRUMENTS, PHYSICAL AND CHEMICAL INSTRUMENTS, CHEMICALS, SOAPS, PERFUMERY, COSMETICS, PAINTS, ADHESIVE FOR INDUSTRIAL PURPOSES, PRESERVATIVES, LEATHER, IMITATION LEATHER, BAGS AND THEIR SUBSTITUTES, UMBRELLAS, WALKING STICKS, SADDLERY, MATERIALS FOR BUILDING AND CONSTRUCTION, FURNITURE, FABRIC, INDOOR ORNAMENTS OF TEXTILE, TOBACCO (NOT OF MEDICAL USE), SMOKERS ARTICLES, PLANTS, PHARMACEUTICALS, LIGHTS, IRONS AND STEELS, POTS, TABLEWARE, HEATERS, COSMETIC UTENSILS, YARNS AND THREAD FOR TEXTILE USE, KITCHEN AND HOUSEHOLD UTENSILS, GAMES AND PLAYTHINGS, ELECTRONIC PUBLICATIONS AND GREETING CARDS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 11-14-2000; IN COMMERCE 11-14-2000.

OWNER OF U.S. REG. NOS. 2,078,494, 2,078,496, AND 2,167,345.

SN 78-005,997, FILED 4-27-2000.

DARRYL SPRUILL, EXAMINING ATTORNEY

**Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

January 13, 2006

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REGISTERED FOR A TERM OF 10 YEARS FROM *July 15, 2003*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office

M. Tarver
M. TARVER
Certifying Officer



Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.

Int. Cl.: 39

Prior U.S. Cls.: 100 and 105

United States Patent and Trademark Office

Reg. No. 2,738,838

Registered July 15, 2003

**SERVICE MARK
PRINCIPAL REGISTER**

AMAZON

AMAZON.COM, INC. (DELAWARE CORPORATION)
SUITE 1200, 12TH AVE. SOUTH
SEATTLE, WA 981442734

FOR: PACKAGING GOODS FOR SHIPMENT;
TRAVEL CLUBS; GIFT DELIVERY; DELIVERY
SERVICES, NAMELY, SHIPPING AND DELIVERY
OF GENERAL CONSUMER GOODS; PACKAGING
OF ARTICLES FOR TRANSPORT, IN CLASS 39 (U.S.
CLS. 100 AND 105).

FIRST USE 9-26-2001; IN COMMERCE 9-26-2001.

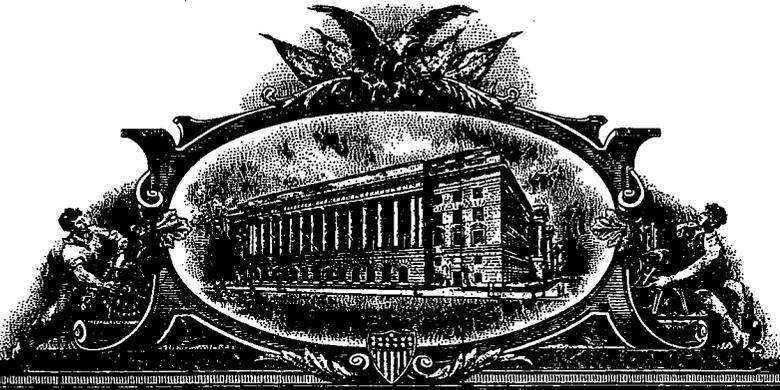
OWNER OF U.S. REG. NOS. 2,078,496 AND
2,167,345.

SN 78-005,146, FILED 4-21-2000.

GWEN STOKOLS, EXAMINING ATTORNEY

**Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

January 13, 2006

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REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *July 15, 2003*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

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and Director of the United States Patent and Trademark Office

M. Tarver
M. TARVER
Certifying Officer



**Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**

Int. Cl.: 38

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

United States Patent and Trademark Office

Reg. No. 2,738,837

Registered July 15, 2003

**SERVICE MARK
PRINCIPAL REGISTER**

AMAZON

AMAZON.COM, INC. (DELAWARE CORPORATION)
SUITE 1200, 12TH AVE. SOUTH
SEATTLE, WA 981442734

FIRST USE 3-6-2002; IN COMMERCE 3-6-2002.

OWNER OF U.S. REG. NOS. 1,930,917, 2,333,851,
AND OTHERS.

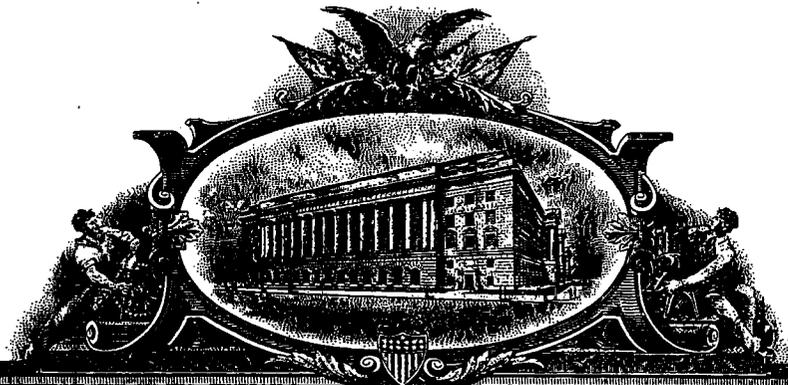
FOR: PROVIDING INTERACTIVE CHAT ROOMS
FOR TRANSMISSION OF MESSAGES AMONG
COMPUTER USERS AND SUBSCRIBERS CONCERNING
A WIDE VARIETY OF TOPICS; ELECTRONIC
TRANSMISSION OF PRODUCT REVIEWS AND
PURCHASE INFORMATION ON THE INTERNET,
IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

SN 78-005,145, FILED 4-21-2000.

GWEN STOKOLS, EXAMINING ATTORNEY

**Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME;

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

January 13, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,832,943 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *April 13, 2004*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office

M. Tarver
M. TARVER
Certifying Officer



Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.

Int. Cl.: 35

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

Reg. No. 2,832,943

United States Patent and Trademark Office

Registered Apr. 13, 2004

**SERVICE MARK
PRINCIPAL REGISTER**

AMAZON

AMAZON.COM, INC. (DELAWARE CORPORATION)
SUITE 1200, 12TH AVE. SOUTH
SEATTLE, WA 981442734

FOR: ELECTRONIC RETAILING SERVICES VIA COMPUTER FEATURING BOOKS, MUSIC, VIDEOTAPES, AUDIOCASSETTES, COMPACT DISCS, FLOPPY DISCS AND CD-ROMS, PRINTED MATTERS, PHONOGRAPHS, RECORDED MUSIC, TOYS, HOUSEHOLD ELECTRONIC APPLIANCES, APPLIED ELECTRONIC MACHINES AND APPARATUS, PHOTOGRAPHY INSTRUMENTS, MUSICAL INSTRUMENTS AND FITTINGS THEREOF; PHOTOGRAPHS, STATIONERY, JEWELRY, HOROLOGICAL INSTRUMENTS AND PARTS THEREOF, MOTOR VEHICLES AND PARTS AND ACCESSORIES THEREOF, MANUAL AND POWER TOOLS, MEASURING INSTRUMENTS, PHYSICAL AND CHEMICAL INSTRUMENTS, CHEMICALS, SOAPS, PERFUMERY, COSMETICS, PAINTS, ADHESIVE FOR INDUSTRIAL PURPOSES, PRESERVATIVES, LEATHER, IMITATION LEATHER, BAGS AND THEIR SUBSTITUTES, UMBRELLAS, WALKING STICKS, SADDLERY, MATERIALS FOR BUILDING AND CONSTRUCTION, FURNITURE, FABRIC, INDOOR ORNAMENTS OF TEXTILE, TOBACCO (NOT OF MEDICAL USE), SMOKERS ARTICLES, PLANTS, PHARMACEUTICALS, LIGHTS, IRONS AND STEELS, POTS, TABLEWARE, HEATERS, COSMETIC UTENSILS, YARNS AND THREAD FOR TEXTILE USE, KITCHEN AND HOUSEHOLD UTENSILS, GAMES AND PLAYTHINGS, ELECTRONIC PUBLICATIONS AND GREETING CARDS; PROVIDING AN ON-LINE SEARCHABLE DATABASE FEATURING BOOKS, MUSIC, VIDEOTAPES, AUDIOCASSETTES, COMPACT DISCS, FLOPPY DISCS AND CD-ROMS, PRINTED MATTERS, PHONOGRAPHS, RECORDED MUSIC, TOYS, HOUSEHOLD ELECTRONIC APPLIANCES, APPLIED ELECTRONIC MACHINES AND APPARATUS, PHOTOGRAPHY INSTRUMENTS, MUSICAL INSTRUMENTS AND FITTINGS THEREOF, PHOTO-

GRAPHS, STATIONERY, JEWELRY, HOROLOGICAL INSTRUMENTS AND PARTS THEREOF, MOTOR VEHICLES AND PARTS AND ACCESSORIES THEREOF, MANUAL AND POWER TOOLS, MEASURING INSTRUMENTS, PHYSICAL AND CHEMICAL INSTRUMENTS, CHEMICALS, SOAPS, PERFUMERY, COSMETICS, PAINTS, ADHESIVE FOR INDUSTRIAL PURPOSES, PRESERVATIVES, LEATHER, IMITATION LEATHER, BAGS AND THEIR SUBSTITUTES, UMBRELLAS, WALKING STICKS, SADDLERY, MATERIALS FOR BUILDING AND CONSTRUCTION, FURNITURE, FABRIC, INDOOR ORNAMENTS OF TEXTILE, TOBACCO (NOT OF MEDICAL USE), SMOKERS ARTICLES, PLANTS, PHARMACEUTICALS, LIGHTS, IRONS AND STEELS, POTS, TABLEWARE, HEATERS, COSMETIC UTENSILS, YARNS AND THREAD FOR TEXTILE USE, KITCHEN AND HOUSEHOLD UTENSILS, GAMES AND PLAYTHINGS, ELECTRONIC PUBLICATIONS AND GREETING CARDS; AUCTIONEERING; COMPUTERIZED ON-LINE ORDERING FEATURING BOOKS, MUSIC, MOTION PICTURES, MULTIMEDIA PRESENTATIONS, COMPUTER SOFTWARE, MAGAZINES, PERIODICALS, JOURNALS, AND PUBLICATIONS; PROVIDING A SEARCHABLE ON-LINE ADVERTISING GUIDE FEATURING BOOKS, MUSIC, MOTION PICTURES, MULTIMEDIA PRESENTATIONS, COMPUTER SOFTWARE, MAGAZINES, PERIODICALS, JOURNALS, AND PUBLICATIONS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 10-31-2001; IN COMMERCE 10-31-2001.

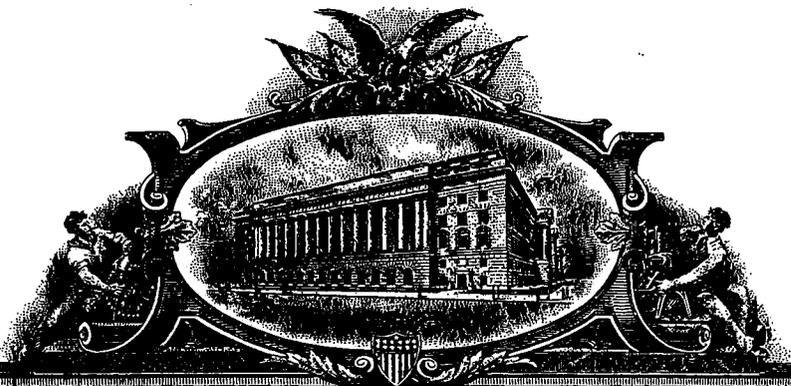
OWNER OF U.S. REG. NOS. 2,078,496 AND 2,167,345.

SN 78-005,143, FILED 4-21-2000.

GWEN STOKOLS, EXAMINING ATTORNEY

**Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

January 13, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,857,590 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *June 29, 2004*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office

M. Tarver
M. TARVER
Certifying Officer



Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.

Int. Cl.: 9

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

United States Patent and Trademark Office

Reg. No. 2,857,590

Registered June 29, 2004

**TRADEMARK
PRINCIPAL REGISTER**

AMAZON

AMAZON.COM, INC. (DELAWARE CORPORATION)
P. O. BOX 81226
SEATTLE, WA 981081226

FOR: DOWNLOADABLE COMPUTER SOFTWARE FOR USE IN THE RETRIEVAL OF DATA FROM THIRD-PARTY WEBSITES, DOWNLOADABLE COMPUTER SOFTWARE FOR USE IN GAINING ACCESS TO AND INTERFACE WITH THIRD-PARTY E-COMMERCE TOOLS; DOWNLOADABLE COMPUTER SOFTWARE FOR USE IN DEVELOPMENT OF APPLICATIONS FOR THE RETRIEVAL

AND USE OF DATA FROM THIRD-PARTY WEBSITES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 3-31-2002; IN COMMERCE 7-31-2002.

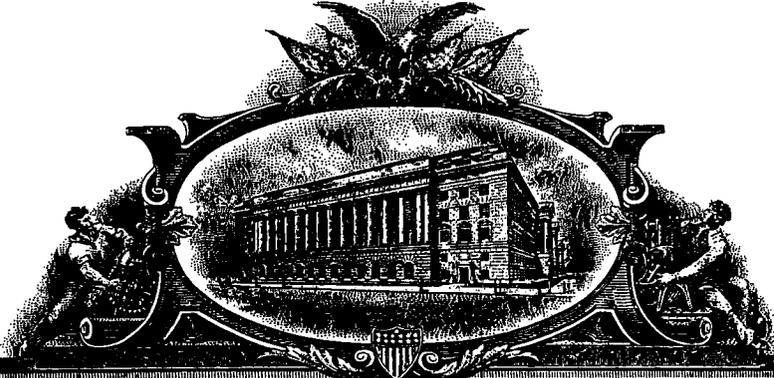
OWNER OF U.S. REG. NOS. 2,508,123, 2,738,837 AND OTHERS.

SER. NO. 76-524,007, FILED 6-12-2003.

HOWARD SMIGA, EXAMINING ATTORNEY

**Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

**UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office**

January 13, 2006

**THE ATTACHED U.S. TRADEMARK REGISTRATION 2,696,140 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.**

**REGISTERED FOR A TERM OF 10 YEARS FROM *March 11, 2003*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant***

**By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office**

M. Tarver
**M. TARVER
Certifying Officer**



**Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 2,696,140

Registered Mar. 11, 2003

**SERVICE MARK
PRINCIPAL REGISTER**

amazon.com

AMAZON.COM, INC. (DELAWARE CORPORATION)
SUITE 1200, 1200 12TH AVE. SOUTH
SEATTLE, WA 981442734

FOR: COMPUTER SERVICES, NAMELY, PROVIDING SEARCH ENGINES FOR LOCATING INFORMATION, RESOURCES, AND THE WEBSITES OF OTHERS ON THE INTERNET; PROVIDING A WIDE RANGE OF GENERAL INTEREST INFORMATION VIA THE INTERNET; PROVIDING ELEC-

TRONIC GREETING CARDS VIA THE INTERNET, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 1-31-2000; IN COMMERCE 1-31-2000.

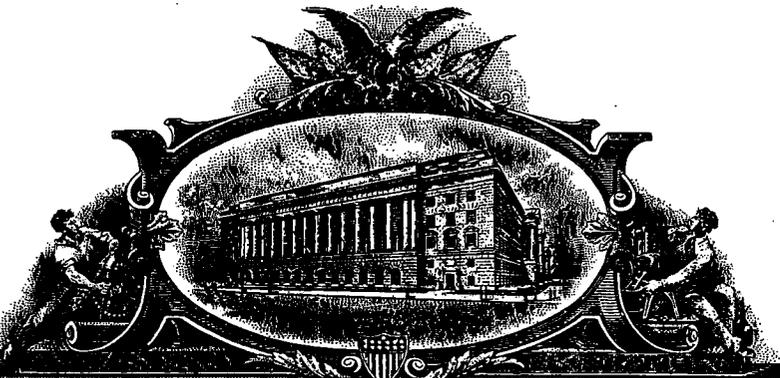
OWNER OF U.S. REG. NOS. 2,078,494, 2,078,496, AND 2,167,345.

SN 75-895,252, FILED 1-12-2000.

GWEN STOKOLS, EXAMINING ATTORNEY

**Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

January 13, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,884,547 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *September 14, 2004*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office



M. TARVER
Certifying Officer



Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.

Int. Cl.: 39

Prior U.S. Cls.: 100 and 105

United States Patent and Trademark Office

Reg. No. 2,884,547

Registered Sep. 14, 2004

**SERVICE MARK
PRINCIPAL REGISTER**

amazon.com

AMAZON.COM, INC. (DELAWARE CORPORATION)
SUITE 1200, 1200 12TH AVE. SOUTH
SEATTLE, WA 981442734

FOR: TRAVEL ARRANGEMENT FOR OTHERS,
NAMELY, TRAVEL BOOKING AGENCIES AND
ARRANGING TRAVEL TOURS; TRAVEL CLUBS;
GIFT DELIVERY; PACKAGING OF ARTICLES FOR
TRANSPORT FOR OTHERS, IN CLASS 39 (U.S. CLS.
100 AND 105).

FIRST USE 9-26-2001; IN COMMERCE 9-26-2001.

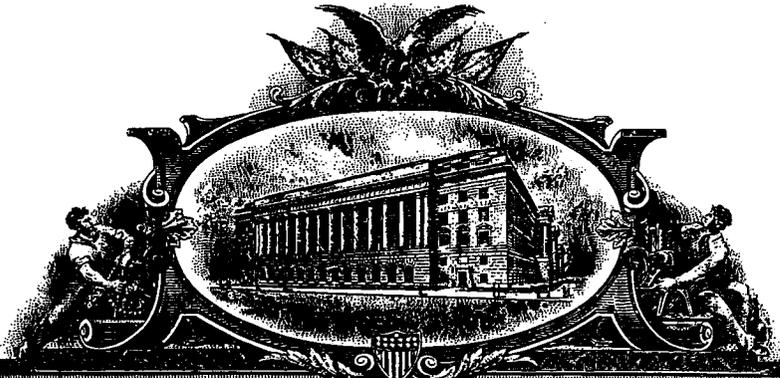
OWNER OF U.S. REG. NOS. 2,078,494, 2,078,496,
AND 2,167,345.

SN 75-895,247, FILED 1-12-2000.

GWEN STOKOLS, EXAMINING ATTORNEY

**Exhibit I - Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

**UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office**

January 13, 2006

**THE ATTACHED U.S. TRADEMARK REGISTRATION 2,633,281 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.**

**REGISTERED FOR A TERM OF 10 YEARS FROM *October 08, 2002*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant***

**By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office**



**P. SWAIN
Certifying Officer**



**Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**

Int. Cl.: 38

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

Reg. No. 2,633,281

United States Patent and Trademark Office

Registered Oct. 8, 2002

**SERVICE MARK
PRINCIPAL REGISTER**

AMAZON.COM

AMAZON.COM, INC. (DELAWARE CORPORATION)
SUITE 1200, 12TH AVE. SOUTH
SEATTLE, WA 981442734

FIRST USE 3-8-2002; IN COMMERCE 3-8-2002.

OWNER OF U.S. REG. NOS. 2,078,496 AND
2,167,345.

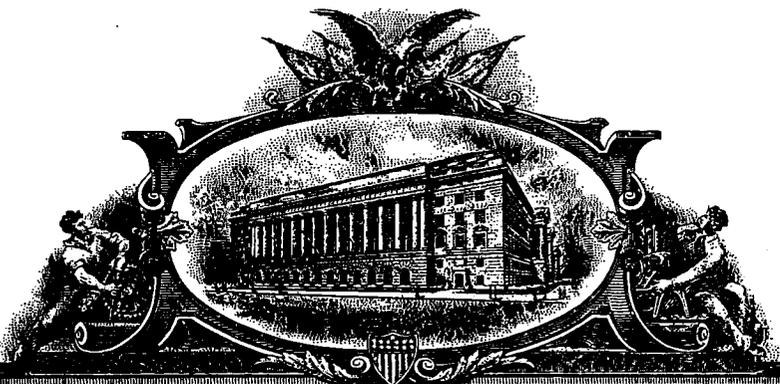
FOR: PROVIDING ON-LINE CHAT ROOMS AND
BULLETIN BOARDS FOR TRANSMISSION OF
MESSAGES AMONG COMPUTER USERS CON-
CERNING GENERAL MERCHANDISE AND GEN-
ERAL CONSUMER GOODS, PRODUCT REVIEWS
AND PRODUCT PURCHASING INFORMATION, IN
CLASS 38 (U.S. CLS. 100, 101 AND 104).

SN 78-005,994, FILED 4-27-2000.

GWEN STOKOLS, EXAMINING ATTORNEY

**Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

January 13, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,657,226 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *December 03, 2002*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office

P. SWAIN
Certifying Officer



Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 2,657,226

Registered Dec. 3, 2002

**SERVICE MARK
PRINCIPAL REGISTER**

AMAZON

AMAZON.COM, INC. (DELAWARE CORPORATION)
P.O. BOX 81226
SEATTLE, WA 981081300

PUTER NETWORK, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 12-31-2001; IN COMMERCE 12-31-2001.

FOR: COMPUTER SERVICES, NAMELY, PROVIDING SEARCH ENGINES FOR LOCATING INFORMATION, RESOURCES, AND THE WEBSITES OF OTHERS ON A GLOBAL COMPUTER NETWORK; PROVIDING A WIDE RANGE OF GENERAL INTEREST INFORMATION VIA A GLOBAL COMPUTER NETWORK; AND PROVIDING ELECTRONIC GREETING CARDS VIA A GLOBAL COM-

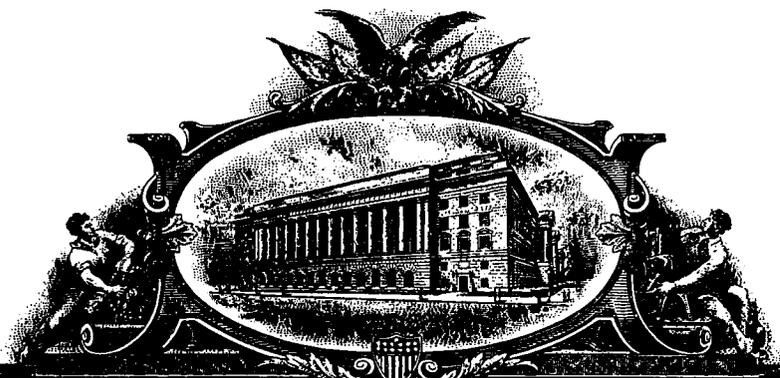
OWNER OF U.S. REG. NOS. 2,078,496 AND 2,167,345.

SN 78-005,148, FILED 4-21-2000.

GWEN STOKOLS, EXAMINING ATTORNEY

**Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

January 13, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,649,373 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *November 12, 2002*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office



P. SWAIN
Certifying Officer

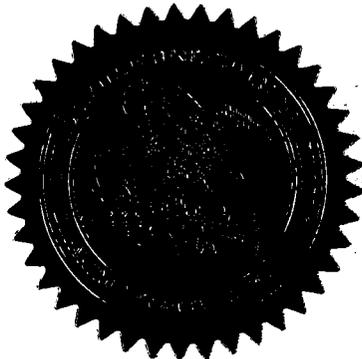


Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.

Int. Cl.: 35

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

Reg. No. 2,649,373

United States Patent and Trademark Office Registered Nov. 12, 2002

**SERVICE MARK
PRINCIPAL REGISTER**

AMAZON.COM OUTLET

AMAZON.COM, INC. (DELAWARE CORPORATION)
SUITE 1200, 12TH AVE. SOUTH
SEATTLE, WA 981442734

FOR: ELECTRONIC RETAILING SERVICES VIA COMPUTER FEATURING BOOKS, MUSIC, VIDEO-TAPES, AUDIOCASSETTES, COMPACT DISCS, FLOPPY DISCS AND CD-ROMS, PRINTED MATTERS, PHONOGRAPHS, RECORDED MUSIC, TOYS, HOUSEHOLD ELECTRONIC APPLIANCES; APPLIED ELECTRONIC MACHINES AND APPARATUS, PHOTOGRAPHY INSTRUMENTS, MUSICAL INSTRUMENTS AND FITTINGS THEREOF; PHOTOGRAPHS, STATIONERY, JEWELRY, HOROLOGICAL INSTRUMENTS AND PARTS THEREOF, MOTOR VEHICLES AND PARTS AND ACCESSORIES THEREOF, MANUAL AND POWER TOOLS, MEASURING INSTRUMENTS, PHYSICAL AND CHEMICAL INSTRUMENTS, CHEMICALS, SOAPS, PERFUMERY, COSMETICS, PAINTS, ADHESIVE FOR INDUSTRIAL PURPOSES, PRESERVATIVES, LEATHER, IMITATION LEATHER, BAGS AND THEIR SUBSTITUTES, UMBRELLAS, WALKING STICKS, SADDLERY, MATERIALS FOR BUILDING AND CONSTRUCTION, FURNITURE, FABRIC, INDOOR ORNAMENTS OF TEXTILE, TOBACCO (NOT OF MEDICAL USE), SMOKERS ARTICLES, PLANTS, PHARMACEUTICALS, LIGHTS, IRONS AND STEELS, POTS, TABLEWARE, HEATERS, COSMETIC UTENSILS, YARNS AND THREAD FOR TEXTILE USE, KITCHEN AND HOUSEHOLD UTENSILS, GAMES AND PLAYTHINGS, ELECTRONIC PUBLICATIONS AND GREETING CARDS; AND PROVIDING AN ON-LINE SEARCHABLE DATABASE FEATURING BOOKS, MUSIC, VIDEO-TAPES, AUDIOCASSETTES, COMPACT DISCS, FLOPPY DISCS AND CD-ROMS, PRINTED MATTERS, PHONOGRAPHS, RECORDED MUSIC,

TOYS, HOUSEHOLD ELECTRONIC APPLIANCES; APPLIED ELECTRONIC MACHINES AND APPARATUS, PHOTOGRAPHY INSTRUMENTS, MUSICAL INSTRUMENTS AND FITTINGS THEREOF; PHOTOGRAPHS, STATIONERY, JEWELRY, HOROLOGICAL INSTRUMENTS AND PARTS THEREOF, MOTOR VEHICLES AND PARTS AND ACCESSORIES THEREOF, MANUAL AND POWER TOOLS, MEASURING INSTRUMENTS, PHYSICAL AND CHEMICAL INSTRUMENTS, CHEMICALS, SOAPS, PERFUMERY, COSMETICS, PAINTS, ADHESIVE FOR INDUSTRIAL PURPOSES, PRESERVATIVES, LEATHER, IMITATION LEATHER, BAGS AND THEIR SUBSTITUTES, UMBRELLAS, WALKING STICKS, SADDLERY, MATERIALS FOR BUILDING AND CONSTRUCTION, FURNITURE, FABRIC, INDOOR ORNAMENTS OF TEXTILE, TOBACCO (NOT OF MEDICAL USE), SMOKERS ARTICLES, PLANTS, PHARMACEUTICALS, LIGHTS, IRONS AND STEELS, POTS, TABLEWARE, HEATERS, COSMETIC UTENSILS, YARNS AND THREAD FOR TEXTILE USE, KITCHEN AND HOUSEHOLD UTENSILS, GAMES AND PLAYTHINGS, ELECTRONIC PUBLICATIONS AND GREETING CARDS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 3-15-2000; IN COMMERCE 3-15-2000.

OWNER OF U.S. REG. NOS. 2,078,494, 2,078,496, AND 2,167,345.

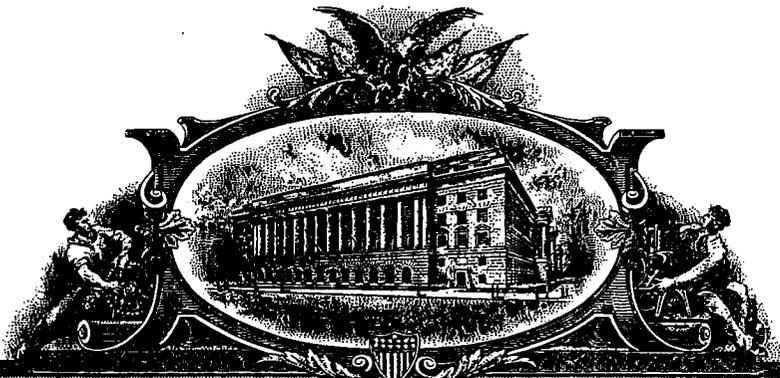
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "OUTLET", APART FROM THE MARK AS SHOWN.

SER. NO. 78-000,527, FILED 3-22-2000.

GWEN STOKOLS, EXAMINING ATTORNEY

**Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

January 13, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,559,936 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *April 09, 2002*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office



P. SWAIN
Certifying Officer

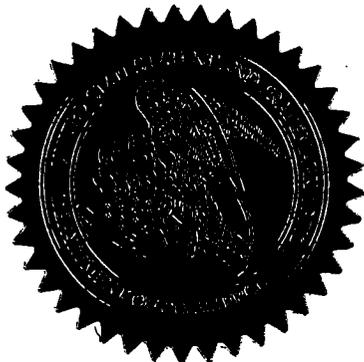


Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.

Int. Cls.: 35, 36, and 42

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

United States Patent and Trademark Office

Reg. No. 2,559,936

Registered Apr. 9, 2002

**SERVICE MARK
PRINCIPAL REGISTER**

AMAZON.COM

AMAZON.COM, INC. (DELAWARE CORPORATION)
P.O. BOX 81226
SEATTLE, WA 981081226

FOR: RETAIL DEPARTMENT STORES; RETAIL ON-LINE DEPARTMENT STORES; RETAIL CONVENIENCE STORES; RETAIL ON-LINE CONVENIENCE STORES; COMPUTERIZED ON-LINE ORDERING FEATURING GENERAL MERCHANDISE AND GENERAL CONSUMER GOODS; PROVIDING AN ON-LINE COMMERCIAL INFORMATION DIRECTORY; PROVIDING A SEARCHABLE DATABASE IN THE FIELD OF BUSINESS INFORMATION AVAILABLE VIA A GLOBAL COMPUTER NETWORK; DISSEMINATION OF ADVERTISING FOR OTHERS VIA AN ON-LINE ELECTRONIC COMMUNICATIONS NETWORK; PROVIDING A SEARCHABLE ON-LINE ADVERTISING GUIDE FEATURING THE GOODS AND SERVICE OF OTHER ON-LINE VENDORS; DATABASE MANAGEMENT SERVICES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 9-30-1999; IN COMMERCE 9-30-1999.

FOR: PROVIDING A SEARCHABLE ON-LINE DATABASE FEATURING GOODS AND SERVICES OF OTHERS IN THE FIELD OF FINANCES, BANKING, REAL ESTATE AND VEHICLES, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 9-30-1999; IN COMMERCE 9-30-1999.

FOR: COMPUTER SERVICES, NAMELY, PROVIDING SEARCH ENGINES FOR LOCATING INFORMATION, RESOURCES, AND THE WEBSITES OF OTHERS ON A GLOBAL COMPUTER NETWORK; PROVIDING A WIDE RANGE OF GENERAL INTEREST INFORMATION VIA A GLOBAL COMPUTER NETWORK; AND PROVIDING ELECTRONIC GREETING CARDS VIA A GLOBAL COMPUTER NETWORK, IN CLASS 42 (U.S. CLS. 100 AND 101).

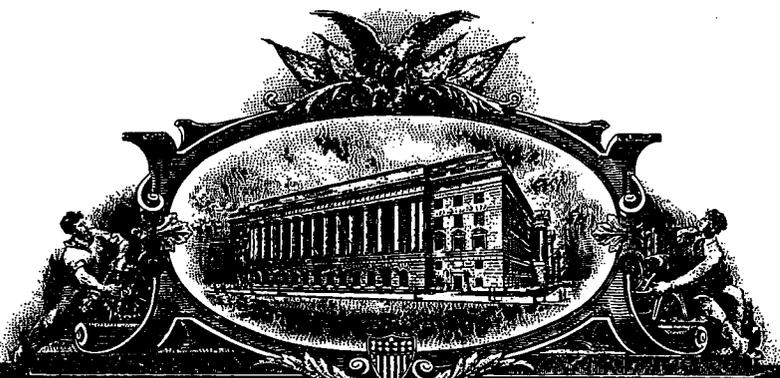
FIRST USE 9-30-1999; IN COMMERCE 9-30-1999.

SN 75-981,644, FILED 3-17-1999.

GWEN STOKOLS, EXAMINING ATTORNEY

**Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

**UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office**

January 13, 2006

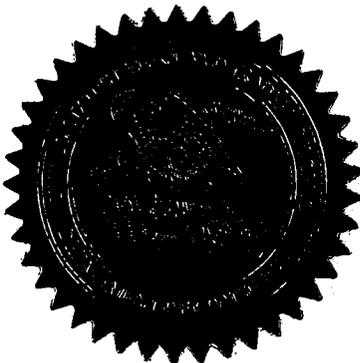
THE ATTACHED U.S. TRADEMARK REGISTRATION 2,508,123 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *November 13, 2001*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office



P. SWAIN
Certifying Officer



**Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 2,508,123

Registered Nov. 13, 2001

**SERVICE MARK
PRINCIPAL REGISTER**

AMAZON.COM AUCTIONS

AMAZON.COM, INC. (DELAWARE CORPORATION)
P.O. BOX 81226
SEATTLE, WA 981081226

FOR: COMPUTER SERVICES, NAMELY, PROVIDING SEARCH ENGINES FOR OBTAINING DATA ON A GLOBAL COMPUTER NETWORK; HOSTING THE WEB SITES OF OTHERS ON A COMPUTER SERVER FOR A GLOBAL COMPUTER NETWORK; COMPUTER SERVICES, NAMELY, PROVIDING DATABASES FEATURING GENERAL AND LOCAL NEWS, AND INFORMATION OF INTEREST TO SPECIFIC GEOGRAPHIC AREAS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 4-1-1999; IN COMMERCE 4-1-1999.

OWNER OF U.S. REG. NOS. 2,078,494, 2,078,496, AND 2,167,345.

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

SN 75-979,675, FILED 3-29-1999.

RONALD AIKENS, EXAMINING ATTORNEY

**Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**

795161

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

January 13, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,521,161 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *December 18, 2001*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office



P. SWAIN

Certifying Officer



Exhibit I - Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.

Int. Cl.: 35

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

United States Patent and Trademark Office

Reg. No. 2,521,161

Registered Dec. 18, 2001

**SERVICE MARK
PRINCIPAL REGISTER**

AMAZON.COM AUCTIONS

AMAZON.COM, INC. (DELAWARE CORPORATION)
P.O. BOX 81226
SEATTLE, WA 981081226

FOR: AUCTIONEERING; AUTOMATED AND COMPUTERIZED TRADING OF GOODS AND SERVICES FOR OTHERS PROVIDED OVER A GLOBAL COMMUNICATION INFORMATION NETWORK; PROVIDING AN ON-LINE COMPUTER DATABASE IN THE FIELD OF BUSINESS INFORMATION AVAILABLE VIA A GLOBAL COMPUTER NETWORK; DISSEMINATION OF ADVERTISING FOR OTHERS VIA AN ON-LINE ELECTRONIC COMMUNICATIONS NETWORK; COMPUTERIZED DATA-

BASE MANAGEMENT, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 4-1-1999; IN COMMERCE 4-1-1999.

OWNER OF U.S. REG. NOS. 2,078,494, 2,078,496, AND 2,167,345.

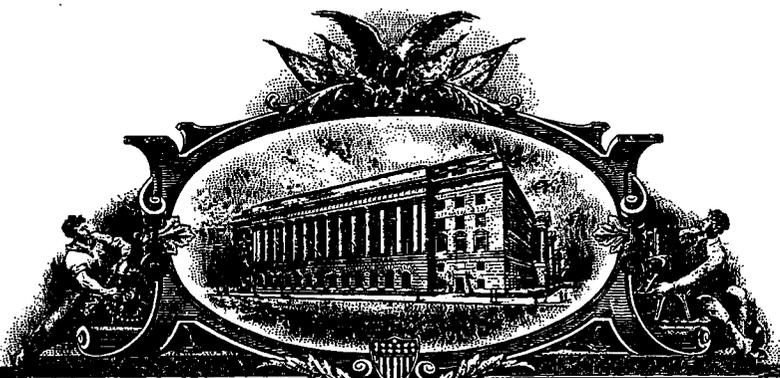
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "AUCTIONS", APART FROM THE MARK AS SHOWN.

SN 75-979,673, FILED 3-29-1999.

RONALD AIKENS, EXAMINING ATTORNEY

**Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

**UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office**

January 19, 2006

**THE ATTACHED U.S. TRADEMARK REGISTRATION 2,924,035 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.**

**REGISTERED FOR A TERM OF 10 YEARS FROM *February 01, 2005*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant***

**By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office**


**M. K. CARTER
Certifying Officer**



**Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**

Int. Cl.: 35

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

United States Patent and Trademark Office

Reg. No. 2,924,035

Registered Feb. 1, 2005

**SERVICE MARK
PRINCIPAL REGISTER**

AMAZON AUCTIONS

AMAZON.COM, INC. (DELAWARE CORPORATION)
LEGAL DEPARTMENT: TRADEMARKS
1200 12TH AVE. SOUTH, SUITE 1200
SEATTLE, WA 981442734

FOR: AUCTIONEERING; PROVIDING A
SEARCHABLE DATABASE IN THE FIELD OF BUSI-
NESS INFORMATION AVAILABLE VIA A GLOBAL
COMPUTER NETWORK, IN CLASS 35 (U.S. CLS. 100,
101 AND 102).

FIRST USE 3-30-1999; IN COMMERCE 3-30-1999.

OWNER OF U.S. REG. NOS. 2,078,496 AND
2,167,345.

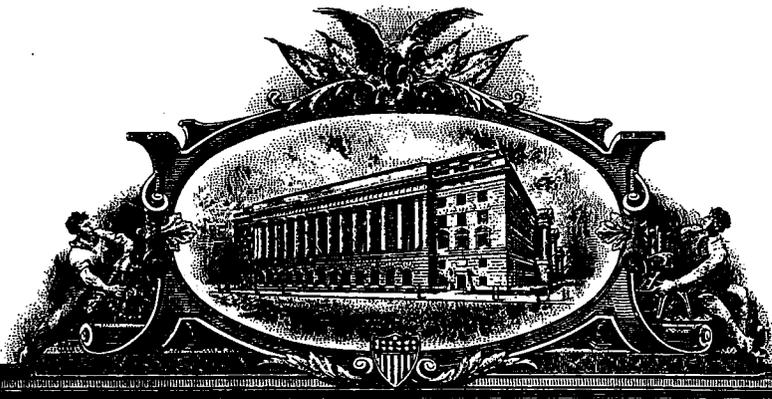
NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "AUCTIONS", APART FROM THE
MARK AS SHOWN.

SN 78-005,111, FILED 4-21-2000.

GWEN STOKOLS, EXAMINING ATTORNEY

**Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

January 19, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,970,898 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *July 19, 2005*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office


M. K. CARTER
Certifying Officer



Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.

Int. Cl.: 41

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

United States Patent and Trademark Office

Reg. No. 2,970,898

Registered July 19, 2005

**SERVICE MARK
PRINCIPAL REGISTER**

amazon.com

AMAZON.COM, INC. (DELAWARE CORPORATION)
SUITE 1200, 1200 12TH AVE. SOUTH
SEATTLE, WA 981442734

FOR: PROVIDING INFORMATION RELATING
TO ENTERTAINMENT AND EDUCATION VIA A
GLOBAL COMMUNICATIONS NETWORK, IN
CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 11-14-2000; IN COMMERCE 11-14-2000.

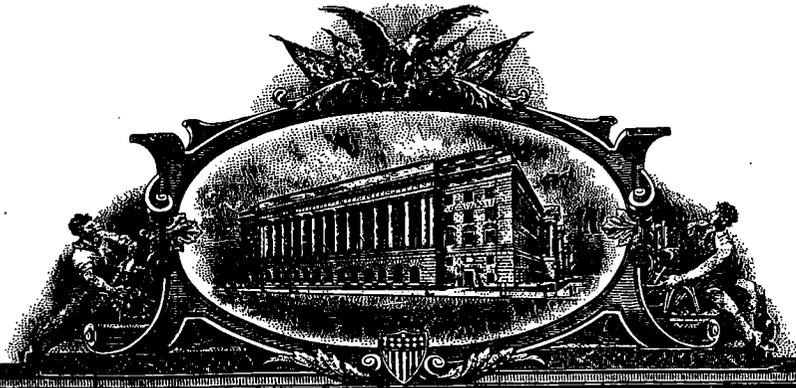
OWNER OF U.S. REG. NOS. 2,078,494, 2,078,496,
AND 2,167,345.

SN 75-895,250, FILED 1-12-2000.

GWEN STOKOLS, EXAMINING ATTORNEY

**Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

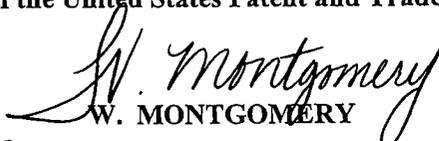
United States Patent and Trademark Office

January 26, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,684,128 IS CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM February 04, 2003
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office


W. MONTGOMERY
Certifying Officer

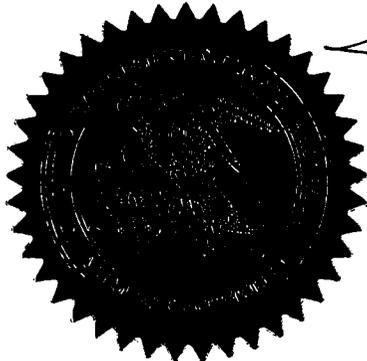


Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.

Int. Cl.: 38

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

United States Patent and Trademark Office

Reg. No. 2,684,128

Registered Feb. 4, 2003

SERVICE MARK
PRINCIPAL REGISTER

amazon.com

AMAZON.COM, INC. (DELAWARE CORPORATION)
SUITE 1200, 1200 12TH AVE. SOUTH
SEATTLE, WA 981442734

FOR: PROVIDING INTERACTIVE CHAT ROOMS FOR TRANSMISSION OF MESSAGES AMONG COMPUTER USERS AND SUBSCRIBERS CONCERNING GENERAL MERCHANDISE AND GENERAL CONSUMER GOODS, PRODUCT REVIEWS AND PURCHASE INFORMATION ON THE INTERNET, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 3-6-2002; IN COMMERCE 3-6-2002.

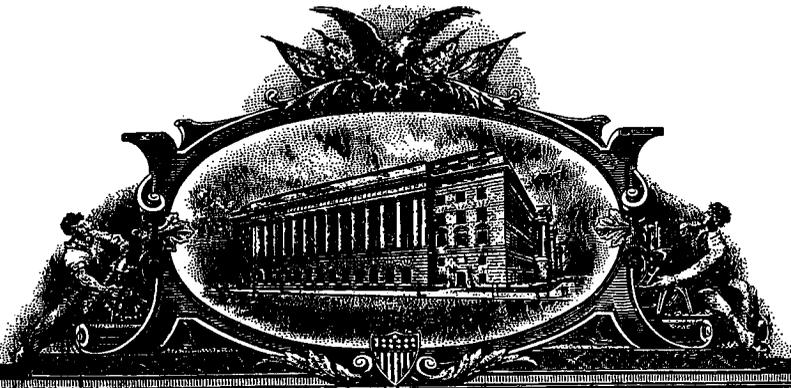
OWNER OF U.S. REG. NOS. 2,078,494, 2,078,496, AND 2,167,345.

SN 75-895,245, FILED 1-12-2000.

GWEN STOKOLS, EXAMINING ATTORNEY

**Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

January 26, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,903,561 IS CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *November 16, 2004*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office



W. Montgomery
W. MONTGOMERY
Certifying Officer

Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.

Int. Cls.: 18 and 28

Prior U.S. Cls.: 1, 2, 3, 22, 23, 38, 41, and 50

United States Patent and Trademark Office

Reg. No. 2,903,561

Registered Nov. 16, 2004

**TRADEMARK
PRINCIPAL REGISTER**

AMAZON.COM

AMAZON.COM, INC. (DELAWARE CORPORATION)
1200 12TH AVE. SOUTH
SUITE 1200
SEATTLE, WA 981442734

FOR: BAGS, NAMELY, TOTE BAGS, AND MESSENGER BAGS; SATCHELS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 12-1-1999; IN COMMERCE 12-1-1999.

FOR: TOYS, GAMES, AND PLAYTHINGS, NAMELY, SPORTS TOYS, PLUSH TOYS, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 12-1-1999; IN COMMERCE 12-1-1999.

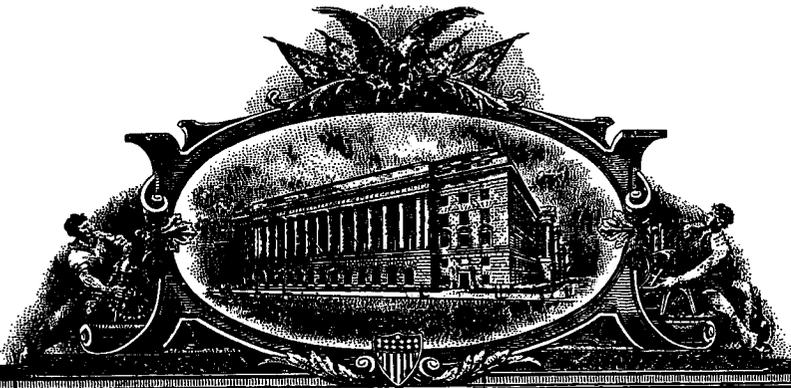
OWNER OF U.S. REG. NOS. 2,078,494, 2,078,496, AND 2,167,345.

SN 75-790,047, FILED 9-23-1999.

GWEN STOKOLS, EXAMINING ATTORNEY

**Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

January 26, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,789,101 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *December 02, 2003*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office



W. Montgomery
W. MONTGOMERY
Certifying Officer

Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.

Int. Cl.: 35

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

United States Patent and Trademark Office

Reg. No. 2,789,101

Registered Dec. 2, 2003

**SERVICE MARK
PRINCIPAL REGISTER**

amazon.com

AMAZON.COM, INC. (DELAWARE CORPORATION)
SUITE 1200, 1200 12TH AVE. SOUTH
SEATTLE, WA 981442734

FOR: ADVERTISING SERVICES, NAMELY, DISSEMINATION OF ADVERTISING FOR OTHERS VIA AN ON-LINE ELECTRONIC COMMUNICATIONS NETWORK; BUSINESS MANAGEMENT; BUSINESS ADMINISTRATION; RETAIL DEPARTMENT STORES, RETAIL ON-LINE DEPARTMENT STORES; RETAIL CONVENIENCE STORES; ON-LINE RETAIL CONVENIENCE STORES; COMPUTERIZED ON-LINE ORDERING FEATURING GENERAL MERCHANDISE AND GENERAL CONSUMER GOODS; PROVIDING AN ON-LINE COMMERCIAL INFORMATION DIRECTORY; PROVIDING A SEARCHABLE DATABASE IN THE FIELD OF BUSINESS INFORMATION AVAILABLE

VIA A GLOBAL COMPUTER NETWORK; PROVIDING A SEARCHABLE ON-LINE ADVERTISING GUIDE FEATURING THE GOODS AND SERVICES OF OTHER ON-LINE VENDORS; DATABASE MANAGEMENT SERVICES; ELECTRONIC CLASSIFIED ADVERTISING SERVICES; ON-LINE CLASSIFIED ADVERTISING SERVICES, ELECTRONIC AUCTION SERVICES; AND ON-LINE AUCTION SERVICES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 1-31-2000; IN COMMERCE 1-31-2000.

OWNER OF U.S. REG. NOS. 2,078,494, 2,078,496, AND 2,167,345.

SN 75-895,237, FILED 1-12-2000.

GWEN STOKOLS, EXAMINING ATTORNEY

**Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**

795161

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

January 26, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,167,345 IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *June 23, 1998*

SECTION 8 & 15

AMENDMENT/CORRECTION/NEW CERT(SEC7) ISSUED

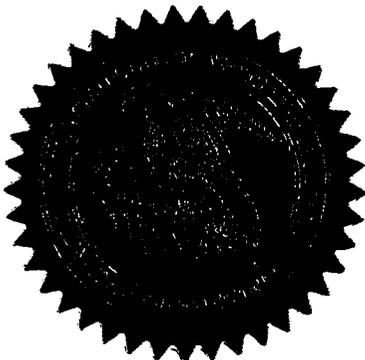
SAID RECORDS SHOW TITLE TO BE IN:

AMAZON.COM, INC.

A DELAWARE CORPORATION

By Authority of the

Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office



W. Montgomery
W. MONTGOMERY
Certifying Officer

Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.

Int. Cl.: 35

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

United States Patent and Trademark Office

Corrected

Reg. No. 2,167,345

Registered June 23, 1998

OG Date Aug. 17, 1999

**SERVICE MARK
PRINCIPAL REGISTER**

AMAZON.COM

AMAZON.COM, INC. (DELAWARE
CORPORATION)
P. O. BOX 80387
SEATTLE, WA 981080387

OWNER OF U.S. REG. NOS. 2,078,494
AND 2,078,496.

FOR: COMPUTERIZED ON LINE
SEARCH AND ORDERING SERVICE
FEATURING THE WHOLESALE AND
RETAIL DISTRIBUTION OF BOOKS,

MUSIC, MOTION PICTURES, MULTIME-
DIA PRODUCTS AND COMPUTER
SOFTWARE IN THE FORM OF PRINT-
ED BOOKS, AUDIOCASSETTES, VID-
EOCASSETTES, COMPACT DISKS,
FLOPPY DISKS, CD ROMS, AND
DIRECT DIGITAL TRANSMISSION, IN
CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 4-15-1995; IN COMMERCE
4-15-1995.

SER. NO. 75-277,670, FILED 4-18-1997.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Aug. 17, 1999.*

COMMISSIONER OF PATENTS AND TRADEMARKS

**Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**

Int. Cl.: 35

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

Reg. No. 2,167,345

United States Patent and Trademark Office

Registered June 23, 1998

**SERVICE MARK
PRINCIPAL REGISTER**

AMAZON.COM

AMAZON.COM, INC. (DELAWARE CORPORATION)
P. O. BOX 80287
SEATTLE, WA 981080387

FOR: COMPUTERIZED ON LINE SEARCH AND ORDERING SERVICE FEATURING THE WHOLESALE AND RETAIL DISTRIBUTION OF BOOKS, MUSIC, MOTION PICTURES, MULTIMEDIA PRODUCTS AND COMPUTER SOFTWARE IN THE FORM OF PRINTED BOOKS, AUDIOCASSETTES, VIDEOCASSETTES, COM-

PACT DISKS, FLOPPY DISKS, CD ROMS, AND DIRECT DIGITAL TRANSMISSION, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 4-15-1995; IN COMMERCE 4-15-1995.

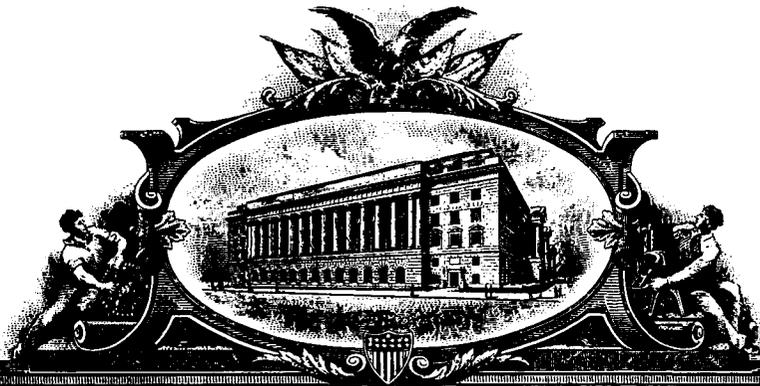
OWNER OF U.S. REG. NOS. 2,078,494 AND 2,078,496.

SER. NO. 75-277,670, FILED 4-18-1997.

ANGELA LYKOS, EXAMINING ATTORNEY

**Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

January 27, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,078,494 IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *July 15, 1997*

SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

AMAZON.COM, INC.

A WASHINGTON CORP

By Authority of the

**Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office**

M. K. CARTER

Certifying Officer



**Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

Reg. No. 2,078,494

United States Patent and Trademark Office

Registered July 15, 1997

**SERVICE MARK
PRINCIPAL REGISTER**

AMAZON.COM BOOKS

AMAZON.COM, INC. (WASHINGTON CORPORATION)
P.O. BOX 80387
SEATTLE, WA 981080387

FOR: COMPUTERIZED ON LINE ORDERING SERVICE FEATURING THE WHOLESALE AND RETAIL DISTRIBUTION OF BOOKS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 4-15-1995; IN COMMERCE 4-15-1995.

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

SER. NO. 75-008,352, FILED 10-23-1995.

ARI LEIFMAN, EXAMINING ATTORNEY

**Exhibit I - Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

January 27, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,078,496 IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *July 15, 1997*

SECTION 8 & 15

LESS GOODS

SAID RECORDS SHOW TITLE TO BE IN:

AMAZON.COM, INC.

A WASHINGTON CORP

**By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office**




M. K. CARTER
Certifying Officer

**Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

Reg. No. 2,078,496

United States Patent and Trademark Office

Registered July 15, 1997

**SERVICE MARK
PRINCIPAL REGISTER**

AMAZON.COM

AMAZON.COM, INC. (WASHINGTON CORPORATION)
P.O. BOX 80387
SEATTLE, WA 981080387

~~AND RETAIL DISTRIBUTION OF BOOKS, IN~~
CLASS 42 (U.S. CLS. 100 AND 101).
FIRST USE 4-15-1995; IN COMMERCE
4-15-1995.

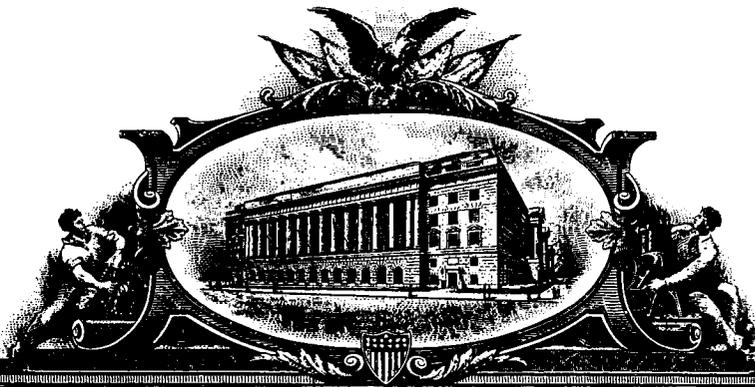
FOR: COMPUTERIZED ON LINE ORDERING SERVICE FEATURING THE ~~WHOLESALE~~

SER. NO. 75-008,413, FILED 10-23-1995.

ARI LEIFMAN, EXAMINING ATTORNEY

**Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**

795261



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

January 27, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,518,043 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *December 11, 2001*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office


M. K. CARTER
Certifying Officer



Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.

Int. Cl.: 36

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

Reg. No. 2,518,043

United States Patent and Trademark Office

Registered Dec. 11, 2001

**SERVICE MARK
PRINCIPAL REGISTER**

AMAZON.COM AUCTIONS

AMAZON.COM, INC. (DELAWARE CORPORATION)
P.O. BOX 81226
SEATTLE, WA 981081226

FOR: COMMODITY TRADING FOR OTHERS, IN
CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 5-14-2001; IN COMMERCE 5-14-2001.

OWNER OF U.S. REG. NOS. 2,078,494, 2,078,496,
AND 2,167,345.

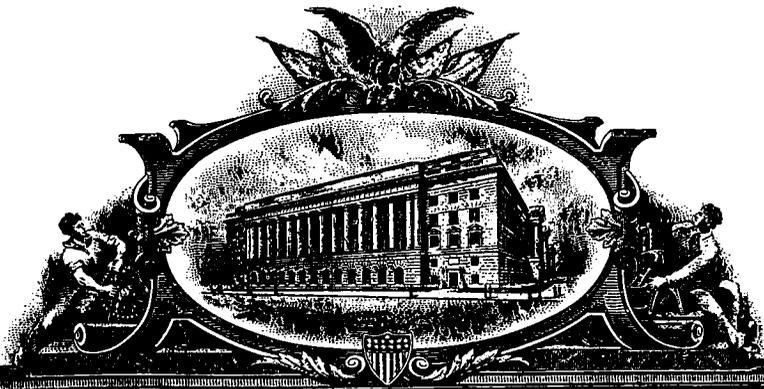
NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "AUCTIONS", APART FROM THE
MARK AS SHOWN.

SN 75-669,200, FILED 3-29-1999.

RONALD AIKENS, EXAMINING ATTORNEY

**Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**

795161



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

January 27, 2006

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,503,498 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *November 06, 2001*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office


M. K. CARTER
Certifying Officer



Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.

Int. Cl.: 35

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

United States Patent and Trademark Office

Reg. No. 2,503,498

Registered Nov. 6, 2001

**SERVICE MARK
PRINCIPAL REGISTER**

AMAZON.COM ANYWHERE

AMAZON.COM, INC. (DELAWARE CORPORATION)
SUITE 1200
1200 12TH AVE. SOUTH
SEATTLE, WA 981442734

FOR: DISSEMINATION OF ADVERTISING FOR OTHERS VIA AN ONLINE ELECTRONIC COMMUNICATIONS NETWORK; COMPUTERIZED ONLINE ORDERING FEATURING GENERAL MERCHANDISE AND GENERAL CONSUMER GOODS; PROVIDING AN ONLINE COMMERCIAL INFORMATION DIRECTORY; PROVIDING A SEARCHABLE ON-LINE ADVERTISING GUIDE FEATURING THE GOODS AND SERVICES OF

OTHER ONLINE VENDORS; ONLINE CLASSIFIED ADVERTISING SERVICES; AND ONLINE AUCTION SERVICES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 10-4-1999; IN COMMERCE 10-4-1999.

OWNER OF U.S. REG. NOS. 2,078,494, 2,078,496, AND 2,167,345.

SER. NO. 75-795,215, FILED S.R. 10-1-1999 AM. P.R. 10-1-1999.

GWEN STOKOLS, EXAMINING ATTORNEY

**Exhibit I- Opp. No. 91,122,000
Amazon.com, Inc. v. Kalaydjian
Offering Pty: Amazon.com, Inc.**