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

Proceeding	91181141
Party	Defendant Donnell, Mitchell
Correspondence Address	MY SPACESHIP3 LLC PO BOX 93343 CLEVELAND, OH 44101-5343 UNITED STATES myspaceship3@yahoo.com
Submission	Reply in Support of Motion
Filer's Name	/#dm/
Filer's e-mail	myspaceship3@yahoo.com
Signature	/dd/
Date	07/03/2008
Attachments	motion to deny request of opposer.pdf ( 11 pages )(124167 bytes )

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO**

DONNELL MITCHELL

P.O. Box 93343

Cleveland, Ohio 44101

Plaintiff,

Case No. **1:08-CV-00691**

v.

MYSPLACE, INC

407 N. Maple Drive

Beverly Hills, California 90210

Judge: **Dan A. Polster**

Defendant, \_  
Pro Se

**PLAINTIFF'S MOTION TO OPPOSE THE DEFENDANT'S REQUEST  
TO DELAY FILING AN ANSWER BY JULY 7TH 2008.**

We respectfully request this honorable court to deny the defendant's motion to grant an extension of time to file an answer by July 7th 2008 on the grounds of:

1. The defendant's were served several copies of the federal lawsuit document as early as March 31st 2008.
2. On March 31st 2008 by certified mail the defendant's were served a copy of the document by Cuyahoga County Common Pleas Court. **Re:** Common Pleas court files.

**SUMS COMPLAINT(11759840) SENT BY CERTIFIED MAIL. TO:**

MYSFACE INC 407 NORTH MAPLE DRIVE BEVERLY HILLS, CA 90210.

3. MySpace Inc's attorney's (Cantor Colburn LLP) were also served (4) separate copies starting on March 31st, April 11th and April 14th and May 15th 2008. We have proof of service to Cantor Colburn LLP regarding all the of listed dates above.
4. Defendant's legal team (Cantor Colburn LLP) responded to the Trademark Trial and Appeal Board after reviewing the federal lawsuit document regarding case no. CV-08-00691 on May 16th 2008. Re: TTAB files at [www.uspto.gov](http://www.uspto.gov).
5. The Defendant's have had a copy of the federal complaint for at least 90 days.

6. The Defendant's are in violation of our federal rights and the Sherman Act.

**Re: The Sherman Act** also makes it a crime to monopolize any part of interstate commerce. An unlawful monopoly exists when only one firm controls the market for a product or service, and it has obtained that market power, not because its product or service is superior to others, but by suppressing competition with anti competitive conduct.

7. The Defendant's have engaged in illegal activity in the past regarding intimidation of small businesses. **Re: Brad Greenspan** the original creator of www.MySpace.com.

**See Exhibit A**

8. The Defendant's are attempting to monopolize a generic term MY and SPACE. Defendant's are fully aware that the MY and SPACE terms are not federal chartered.

9. **Re:** MYSPACE registered trademarks numbers: 2,593,333, 2,792,415, 3,246,099, 2,858,781, 3,284,330, 3,065,532 and 3,156,352. None of these listed trademarks involving the terms MY and SPACE belong to defendant's company. (MySpace Inc).

**NOTE:** All of the MYSPACE and MY SPACE registered trademarks listed above are active and currently being used in commerce in the United States of America.

10. The defendant's have contributed to damaging the reputation of Donnell Mitchell with the Trademark Trial and Appeal Board and other associated companies.

11. We respectfully request this court to deny the defendant's motion to extend the answer time to August 7th 2008. We respectfully request they answer by July 7th 2008.

Respectfully submitted,

          s/dd/            
Donnell Mitchell  
ProSe Applicant  
P.O Box 93343  
Cleveland, Ohio 44101

# Exhibit A

MySpace Inc should be ashamed of how they conduct business in the United States.

Contact:

Brad Greenspan

bspan@earthlink.net

## **STATEMENT ON LEGAL PROCESS & REPORT OUT ON HARASSMENT AT HANDS OF NEWS CORP**

LOS ANGELES, Oct. 09, 2006 – Brad Greenspan, founder of MySpace.com and one of the Intermix shareholders actively pursuing on behalf of all shareholders the fraudulent sale of Intermix & Myspace to News Corp. put out the following statement today:

“First, I apologize for the delay in getting out a statement on the State Court litigation developments, but the PR firm I was working with, Allison & Partners, received a flurry of threats over the past few days from News Corp's agent and law firm Hogan & Hartson. These threats to drag the PR firm into court because they were my ‘agent’ effectively temporarily chilled the small firm's ability to continue their communications with the media on my behalf in the short term as they retain legal counsel to deal with this baseless attack on free media.” said Brad Greenspan.

“In addition to this maneuver and continued personal attacks News Corp is making against me, I have information on other concerning harassment near the end of this statement I feel obligated to come forth with.” said Brad Greenspan.

“The shareholders of Intermix have a shareholder complaint at the Federal level that continues to

proceed well. This lawsuit has the benefit of much of the discovery and evidence that has come out recently.

Second, at the state level, we plan to appeal Judge Kuel's recent decision as there are a plethora of legal errors in her decision.

Judge Kuel's decision is flawed because it failed to take into account incriminating evidence of nondisclosures and fraud by Intermix management. The court also erred by not allowing us to amend the complaint to include the stunning emails and documents recently discovered which make up the heart of the fraud. For instance, we could not explain or inform Judge Kuel that Myspace's revenue was hidden by shareholders in clear violation of FAS 131, because we only received Intermix documents finally disclosing accurate Myspace revenue after the complaint had already been filed.” said Brad Greenspan.

### **STRONG SUPPORT FROM SHAREHOLDERS AND THE PUBLIC**

“We continue to believe that even stronger evidence of wrongdoings exists in the hands of documents that Intermix, News Corp, and investment bankers Montgomery Securities and Thoms Weisel are in possession of for the period between August 15 - September 30 2005, the period directly before the shareholders voted. To date, the defendants have refused to provide these surely damning documents.”, said Brad Greenspan.

“We are continuing to get incredible feedback and support from Intermix shareholders and the public at large. The message is clear - Rosenblatt and Intermix misled the public by refusing to disclose Myspace's revenue in clear violation of FAS 131. If shareholders had received the same financial info on Myspace that News Corp had, prior to the shareholder vote on September 30, 2005, then shareholders could have cast an informed vote. They didn't. It was not a level playing field.” said Brad Greenspan.

Intermix shareholder Michael M contacted the FreeMyspace website recently and explained his view:

“Thank you for continuing to pursue this. I had 4,000

shares of Intermix the day the merger was announced and 2,000 on the day it closed. I was disgusted and shocked with the low sale price and voted against the merger. It may interest you to know that someone called me on behalf of Intermix and tried to get me to change my vote. I refused, telling him that the premium being paid by NWS was inadequate. He then exaggerated about how large the premium was but I still refused.”

## **HARRASSMENT AT THE HANDS OF NEWS CORP**

**In addition to the recent actions of News Corp to chill and intimidate my PR firm from facilitating my communications with the media and public, the other actions News Corp has undertaken are troubling:**

**An ongoing harassment by News Corp of friends and associates over the past few months via very aggressive activities by News Corp private investigators with the intent to wage personal attacks on me and discredit me.**

**For example, excerpts from an anonymous letter I received in August of 2006 warning me of News Corp's ongoing campaign:**

**----- Forwarded Message**

**From: my spaceman <myspacemaniac@ZZZZZZ>**

**Date: Thu, 10 Aug 2006 09:19:30 -0700 (PDT)**

**To: <bspan@ZZZZZZ>**

**Subject: information**

**Hi Brad,**

**I hope this is the correct email. I had to track it down through a mutual friend. I just wanted you to know that there are people asking lots of questions about you. I had 2 people contact me at my house and it was a bit spooky. They were asking questions about everything you could think of. I told them I only had 10 minutes. They were polite but it was very disconcerting. They were asking questions about different periods when you were here. There were lots of words around fiduciary obligations and if I knew**

**about deals or discussed any deals with you at various times. What you did immediately after you left. They asked if I knew about any friends in weird places like Russia, China and Australia. Also about relationships with any female coworkers. Parties. Just tons and tons of questions. I thought I would be smart and asked them why and what they were doing, but all they would say was they were private investigators and that they wanted to sit me down for a full interview. I told them I would think about it and call them back. They offered that could have my lawyer present and they would pick up the cost.”**

**(below are actual emails from Brad Greenspan)**

**Myspace.com's founder and creator.**

I was forced to move from my home in Los Angeles, as I discovered that News Corp employees working in the Myspace group very recently took control of a home (2176 Sunset Plaza) directly across from mine and began observation of my activities via direct and unobstructed viewing access into my house and penetrating my WIFI. I was tipped off to this recently as one of the News Corp employees Ted Skillet had entered my property during a small event I was holding, was recognized and had to be asked to leave the premises.

**(The above paragraph details the ruthless tactics of Myspace Inc.)**

**RECENT FINANCIAL TIMES RUPERT MURDOCH INTERVIEW DESCRIBES NEWS CORP'S STRATEGY TO GET INTERMIX DIRECTORS LED BY ROSENBLATT TO 'CLOSE THE DOOR AND THROW AWAY THE KEY' ON OTHER POTENTIAL BIDDERS AND COMMUNICATIONS TO INTERMIX SHAREHOLDERS.**

**NEWS CORP ABANDONS MYTH OF MYSPACE CREATION**

I am glad that because of the background provided to the public on the process and how my company eUniverse



created Myspace, that News Corp as demonstrated by its latest press release has wisely chosen to abandon its efforts to continue to tell the media that Myspace was created in the garage of Tom Anderson and that eUniverse was merely an investor in Myspace.

Myspace was created by eUniverse, I made the decision to launch Myspace as our only new website initiative in 2003 and oversaw the Myspace division personally. eUniverse owned 100% of Myspace at creation. Tom Anderson and Chris DeWolfe were eUniverse employees who were part of the management team.

The accurate timeline and details of how Myspace was created can be viewed here:

<http://www.freemyspace.com/history.htm>

About Myspace and Brad Greenspan

Among the Intermix properties acquired by News Corp. was Myspace.com, a social networking Web site with Web profiles, blogs, instant messaging, e-mail, music downloads, photo galleries, classified listings and chat rooms that allows users to create their own online community. MySpace.com has more than 100 million registered user. The site receives more monthly page views than Google according to a recent Associated Press report.

Brad Greenspan, founder of eUniverse/Intermix Media which created Myspace.com, serves as an investor and strategic business advisor for successful start-up companies in high-growth markets. He invests capital and resources that enable companies to meet their short- and long-term business objectives. Greenspan has invested in companies such as BroadWebAsia, VidiLife.com, BigFishGames LLC, and Palisades Technology.

**MYSPLACE INC is and has been using aggressive and unfair business tactics which is common practice for this company.**

**Review [www.FREEMYSPLACE.COM](http://www.FREEMYSPLACE.COM) website.**

As relevant to the present action.

Respectfully submitted,

/s/dd//

DONNELL MITCHELL  
P.O. BOX 93343  
CLEVELAND OHIO 44101

MY SPACESHIP LLC

www.my-spaceship.com

**CERTIFICATE OF SERVICE**

A copy of the attached request was sent by regular U.S. Mail, first class, this day  
to the following address:

Daniel E. Bruso  
Cantor Colburn LLP  
20 Church Street, 22nd Floor  
Hartford, CT 06103  
DBruso@cantorcolburn.com, DMayhew@cantorcolburn.com

/s/DD/  
MY SPACESHIP, LLC



