

ESTTA Tracking number: **ESTTA418221**

Filing date: **07/06/2011**

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

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Casale Media, Inc.		
Entity	Corporation	Citizenship	Canada
Address	74 Wingold Avenue Toronto, 74 M6B1P5 CANADA		

Attorney information	Neil F. Markva 8322-A Traford Lane Springfield, VA 22152 UNITED STATES nfmlaw@msn.com Phone:703 644-5000		
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### Applicant Information

Application No	85045103	Publication date	06/07/2011
Opposition Filing Date	07/06/2011	Opposition Period Ends	07/07/2011
Applicant	MusicNet Inc. 85 10th Avenue, 3rd floor New York, NY 10011 UNITED STATES		

### Goods/Services Affected by Opposition

Class 035. First Use: 2010/10/05 First Use In Commerce: 2011/01/11 All goods and services in the class are opposed, namely: Online retail store services featuring downloadable electronic publications
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### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1506280	Application Date	02/16/1988
Registration Date	09/27/1988	Foreign Priority Date	NONE
Word Mark	MEDIANET		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 035. First use: First Use: 1984/10/15 First Use In Commerce: 1985/04/15 ADVERTISING SERVICES IN THE FIELD OF CO-OPERATIVE ADVERTISING AND CONSULTING THEREFOR
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U.S. Registration No.	3598978	Application Date	11/10/2006
Registration Date	03/31/2009	Foreign Priority Date	NONE

Word Mark	MEDIANET
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Design Mark	
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Description of Mark	The mark consists of the word "MediaNet" in stylized form followed by a fanciful depiction of a globe.
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Goods/Services	Class 035. First use: First Use: 2005/08/16 First Use In Commerce: 2005/08/16 advertising services in the field of co-operative advertising and consulting therefor
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Related Proceedings	Opposition 91196992
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Attachments	77041570#TMSN.jpeg ( 1 page )( bytes ) MTN TO Amend NTE OF OPP 7-6-11.pdf ( 2 pages )(281211 bytes ) Consolidated NoOpp 7-6-11.pdf ( 8 pages )(244594 bytes ) Exhibits NofOpp 7-6-11.PDF ( 26 pages )(1072767 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Facsimile or email (by agreement only) on this date.

Signature	/Neil F. Markva/
Name	Neil F. Markva
Date	07/06/2011

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

Casale Media, Inc.	)	
	)	
Opposer,	)	Opposition No. 91/196,992
	)	
v.	)	
	)	
Music Net Inc.	)	
	)	
Applicant.	)	

**MOTION TO AMEND NOTICE OF OPPOSITION**

Opposer, Casale Media, Inc., hereby moves to amend its notice of opposition in the above proceeding to a Consolidated Notice of Opposition, 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.

Specifically, Opposer seeks to amend said Notice of Opposition to reflect allowance by the U.S. Patent and Trademark Office of Applicant's Trademark Application No. 85/045,103 for the mark MEDIANET covering online retail store services featuring downloadable electronic publications and claiming a first date of use of October 5, 2010 and a first date of use in commerce of January 11, 2011.

As stated in Paragraph 6b of the amended Consolidated Notice, Opposer's MEDIANET mark and the dominant word in its MEDIANET and Design mark are substantially identical to Applicant's MEDIANET mark, and have been used for advertising, marketing, and promotion of goods and services in the entertainment field. Applicant's marks have been used for marketing and promoting goods and services substantially exclusively in the entertainment field.

Consequently, Applicant's mark is to be likely to be confused with Applicant's mark and mistaken therefor whereby confusion is inevitable as to the source of Applicant's goods and services, or sponsorship, affiliation, or connection between Opposer and Applicant with respect to their respective goods and services.

Although Applicant filed its application to register the MEDIANET mark prior to the date that this proceeding was initiated, the mark of its application was not published until June 7, 2011 after the present proceeding was instituted

It is believed that, because of the identical issues presented by Opposer's MEDIANET marks vis-a-vis Applicant's MEDIANET marks, judicial economy dictates that the question of likelihood of confusion between the marks be consolidated with the present proceeding.

Rule 15(a) of Fed. R. Civ. P. provides liberality in amending pleadings where justice so

requires. It is the practice of the Patent and Trademark Office to liberally grant motions to amend. *Cool-Ray, Inc. v. Eye Care, Inc.*, 183 U.S.P.Q. 618, 1974; WL 20036 (TTAB 1974). In view thereof, it is respectfully requested Opposer's Motion to Amend be granted.

The additional fee of \$300.00 for the one class of services in Trademark Application No. 85/045,103 is submitted herewith.

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Springfield, VA 22152  
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Fax: (703)644-5755  
E-Mail: nfmlaw@msn.com

Respectfully submitted  
/Neil F. Markva/  
Neil F. Markva  
Attorney for Opposer

#### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served this 6<sup>th</sup> day of July 2011 by email (by agreement only) at the address of record.

Tamar Niv Bessinger  
Fross Zelnick Lehrman & Zissu, P.C.  
866 United Nations Plaza  
New York, New York 10017-1822  
Email: tbessinger@fzllz.com

/Neil F. Markva/

Neil F. Markva

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

Casale Media, Inc.	)	
	)	
Opposer,	)	Opposition No. 91/196,992
	)	
v.	)	Application Serial No. 77/736,872
	)	Application Serial No. 85/045,103
Music Net Inc.	)	
	)	
Applicant.	)	

**CONSOLIDATED NOTICE OF OPPOSITION**

Casale Media, Inc. (“Opposer”) hereby submits its Consolidated Notice of Opposition against Application Serial Nos. 77/736,872 and 85/045,103 each for the mark MEDIANET filed by Music Net Inc. (“Applicant”), and believes that it will be damaged by and thus opposes registration of the marks, which are the subject matter of Application Nos. 77/736,872 and 85/045,103. The time to file Opposer’s original Notice of Opposition was extended to October 15, 2010. Application Serial No. 85/045,103 was published for opposition on June 7, 2011. Therefore, Opposer’s amended Consolidated Notice of Opposition must be filed on or before July 7, 2011.

As grounds for opposition, Opposer alleges as follows:

1. Opposer is a Canadian corporation with a principal place of business located at 74 Wingold Avenue, Toronto, Canada M6B1P5 with the majority of its business conducted in the United States.
2. On information and belief, Applicant is a Delaware corporation with a principal place of business located at 85 10th Avenue, 3rd floor New York, New York 10011.
3. Opposer is the owner of the marks MEDIANET and MEDIANET and Design (the “MEDIANET Marks”) and owns U.S. Registration Nos. 1,506,280, issued September 27, 1988, and

3,598,978, issued March 31, 2009 (hereinafter, collectively, “Opposer’s Marks”), each applied to “advertising services in the field of co-operative advertising and consulting therefor,” in Class 035.

4. By virtue of widespread sales and extensive advertising, marketing, and promotion of goods and services under Opposer’s Marks, Opposer's Marks are well known by the general public and in the relevant industries; are recognized and relied upon as identifying Opposer’s services and as distinguishing them from the goods and services of others; and have come to represent and symbolize extremely valuable goodwill exclusively belonging to Opposer.

5. On information and belief, Applicant is doing business as MediaNet Digital, Inc.

6a. On information and belief, Applicant is the owner of both Application Serial Nos. 77/736,872 and 85/045,103 for the marks MEDIANET (“Applicant's Marks”) that have been used for marketing and promoting goods and services substantially exclusively in the entertainment field.

6b. Opposer's MEDIANET mark and the dominant word in its MEDIANET and Design mark are substantially identical to Applicant’s MEDIANET mark, and have been used to advertise, market, and promote goods and services in the entertainment field.

7a. Applicant filed Application Serial No. 77/736,872 on May 14, 2009, for the following goods and services:

“computer software for conducting and coordinating on demand downloads and streaming of text and audio files over global computer networks in the field of entertainment; computer software that allows the identifying, locating, searching, browsing, indexing, retrieving, transmitting, downloading and receiving of text and audio files over global computer networks in the field of entertainment; computer software for conducting and coordinating on demand downloads and streaming of video

files over global computer networks in the field of entertainment; computer software that allows the identifying, locating, searching, browsing, indexing, retrieving, transmitting, downloading and receiving of video files over global computer networks in the field of entertainment,” in Class 009; “online retail store services featuring digital musical and video content; online retail store services featuring downloadable pre-recorded music and video in Class 035; “entertainment services, namely, providing information in the field of music via the internet and, wireless communication network; providing non-downloadable prerecorded music and video via the Internet or pre-bundled with computing devices,” in Class 041; Internet services, namely, providing users of global computer networks with the means of identifying, locating, searching, browsing, indexing, retrieving, transmitting, streaming, downloading and receiving of video, text and audio files via global computer networks,” in Class 042; and “licensing of computer software,” in Class 045.

7b. Applicant filed specimens May 14, 2009 and September 9, 2009 in Application Serial No. 77/736,872 each of which were retrieved from the U.S. Patent and Trademark Office (PTO) database. See attached Exhibit A that includes specimens for goods and services in Classes 9, 35, 41, 42, and 45 as listed in above Paragraph 7a.

7c. Applicant filed Application Serial No. 85/045,103 on May 21, 2010, for the following services: “online retail store services featuring downloadable electronic publications,” in Class 35.

7d. Applicant filed specimens May 21, 2010 and March 11, 2011 in the live record of Application Serial No. 85/045,103 each of which were retrieved from the PTO database. See

attached Exhibit B that includes specimens for services in Class 35 as found in above Paragraph 7c.

8. Opposer has continuously and exclusively used Opposer's Marks in connection with advertising, marketing, and promoting services in the field of co-operative advertising and consulting therefor, originating through Opposer prior to Applicant's filing date in the PTO and its constructive and/or actual first use date, if any, in United States commerce for Applicant's Mark.

9. Opposer has spent large sums of money in advertising and making known to the trade and to the public in the United States the advertising, marketing, and promoting services it renders, and by reason thereof the public and the trade have come to recognize the "MEDIANET Marks" as being associated with and indicating Opposer, its business, and its services.

10. Opposer is a network of websites that host advertising on behalf of its advertiser clients a large portion of which is in the entertainment industry that makes up its advertiser and web publishing partners

11. On information and belief, Applicant adopted its fictitious name to MediaNet Digital, Inc. and "changed its name to MediaNet to better represent its expanded offering of digital video and other media types" that indicates Applicant's offering includes forms of online media that coincide with Opposer's offerings. See attached Exhibit C.

12. On information and belief, Applicant's "MN Open platform delivers a service that allows customers to add music and media content to their websites or applications easily and quickly" to indicate that web publishers can host advertising through these media content and applications. See attached Exhibit C.

13. On information and belief, Applicant's "Content Partners" are websites that host

advertising content and “Customers” are advertisers. See attached Exhibit D.

14. Opposer’s “Publisher Partners” are websites that host advertising and “Advertisers and Agencies” are advertisers.

15. Applicant’s identification of goods in its Application Serial No. 77/736,872 states that its MEDIANET mark is applied to “computer software for conducting and coordinating on demand downloads and streaming of text and audio files over the global computer networks in the field of entertainment,” in International Class 009.

16. Opposer offers streaming of video and audio files in the field of entertainment under Opposer’s Marks for the purpose of advertising, marketing, promotion, and consultation.

17. Applicant’s identification of goods in its Application Serial No. 77/736,872 states that its MEDIANET mark is applied to “computer software that allows the identifying, locating, searching, browsing, indexing, retrieving, transmitting, downloading and receiving of video files over global computer networks in the field of entertainment,” in International Class 009.

18. Opposer uses software to offer the identifying, locating, searching, browsing, indexing, retrieving, transmitting, downloading, and receiving of video files over global computer networks in the field of entertainment under Opposer’s Marks for the purpose of advertising, marketing, promotion, and consultation.

19. Applicant’s recitation of services in its Application Serial Nos. 77/736,872 and 85/045,103 state that its MEDIANET mark is respectively applied to “online retail store services featuring digital musical and video content” and “online retail store services featuring downloadable electronic publications,” in International Class 035.

20. Opposer hosts digital information including textual, musical, and video content for the purpose of advertising, marketing, promotion, and consultation under Opposer's Marks.

21. Applicant's recitation of services in its Application Serial No. 77/736,872 states that its MEDIANET mark is applied to "Internet services, namely, providing users of global computer networks with the means of identifying, locating, searching, browsing, indexing, retrieving, transmitting, streaming, downloading and receiving of video, text and audio files via global computer networks," in International Class 042.

22. Opposer provides users of global computer networks with the means of receiving, transmitting, and streaming video and audio files via global computer networks.

23. On information and belief, Applicant's software platform is a vehicle to distribute video and audio content through web publishers to users of the global computer networks

24. Opposer's software platform is a vehicle to distribute video and audio content through web publishers to users of the global computer networks under Opposer's Marks.

25. On information and belief, Applicant's Content Partners and customers are all Opposer's potential or current publisher partners and advertising clients that will cause confusion and conflict between their respective MEDIANET marks.

26. On information and belief, Applicant's services are a source of revenue for their Content Partners.

27. Opposer's web publishers rely on advertising hosted on its network of websites as a source of revenue.

28. Opposer's rights in Opposer's Marks are superior to Applicant's rights in Applicant's

Mark.

29. The use and registration of Applicant's Mark is likely to cause confusion in the minds of the purchasing public and cause the purchasing public to assume that the services identified by such mark are sold by Opposer or that such services originate with or are in some way sponsored by, connected with, or approved by Opposer, which they are not, in violation of 15 U.S.C. §§ 1052(d) and 1125(a).

30. Applicant is not, and was not at the time of the filing of Application Serial Nos. 77/736,872 and 85/045,103, the rightful owner of any MEDIANET mark.

31. Use and registration of Applicant's Mark will be injurious to Opposer in violation of Section 13 of the Trademark Act, 15 U.S.C. § 1063(a).

WHEREFORE, Opposer believes that it will be damaged by the registration of Applicant's Mark and prays that said Application Nos. 77/736,872 and 85/045,103 be refused; that no registrations be issued thereon to Applicant; and that this Opposition be sustained in favor of Opposer.

The required fee of \$ 1,500.00 for this Notice of Opposition was submitted with the original noticed and the additional fee of \$300.00 for this Consolidated Notice of Opposition is submitted herewith.

This 6<sup>th</sup> day of July 2011.

Respectfully submitted,  
/Neil F. Markva/  
Neil F. Markva  
Attorney for Opposer

8322-A Traford Lane  
Springfield, Virginia 22153  
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Email: nfmlaw@msn.com

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served this 6<sup>th</sup> day of July 2011 by email (by agreement only) at the address of record.

Tamar Niv Bessinger  
Fross Zelnick Lehrman & Zissu, P.C.  
866 United Nations Plaza  
New York, New York 10017-1822  
Email: tbessinger@fzlz.com

/Neil F. Markva/  
Neil F. Markva

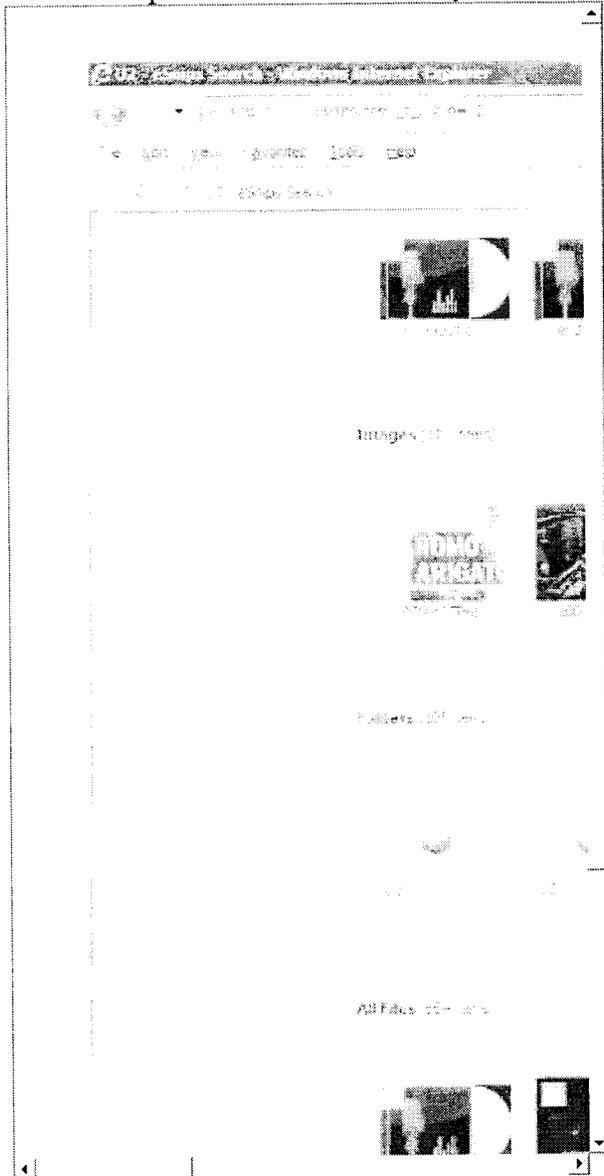
# **EXHIBIT A**

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77736872	Description Specimen	Date 14-May-2009			



Internet Explorer window showing a search results page for 'U2'.

Address bar: <http://www.google.com/uc2f=uc2>

Menu: File Edit View Favorites Tools Help

Page Title: U2 - 45Shot Search

Search Results Summary:

- Images (127 items)
- Folders (10 items)
- All Files (94 items)

MP3 Search Results for U2:

- MP3 from **BUY MP3**
  - from: No Line On The Horizon (Standard Version) 00:00 #1
- MP3 from **BUY MP3**
  - from: No Line On The Horizon (Standard Version) 00:00 #1
- MP3 from **BUY MP3**
  - from: No Line On The Horizon (Standard Version) 00:00 #1
- MP3 from **BUY MP3**
  - from: No Line On The Horizon (Standard Version) 00:00 #1

Powered by **MP3 Database**

Other elements visible include a large image of a shopping cart, a 'Oasis' logo, and a vertical arrow pointing upwards.



[Close Window](#)

### Shopping Cart

Artist	Title	Format	Price	
 Jack Johnson	Flake	MP3 Song	\$0.99	<a href="#">Remove</a>
 Kanye West	Love Lockdown	MP3 Song	\$1.29	<a href="#">Remove</a>
 U2	Magnificent	MP3 Song	\$1.29	<a href="#">Remove</a>

Tax: \$0.92 [Calculate](#)

Estimated total: \$3.69

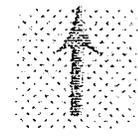


[Cancel order](#)



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Internet Explorer - eMule Search

File Edit View Favorites Tools Help

Address bar: http://www.emule.com/?a214=42

Page Title: eMule Search

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**Images (121 items)**

**Folders (154 items)**

**All files (654 items)**

**MPS search results for U2:**

- U2**  
**Magnum BUY MP3**  
 00:00 4K  
 from: No Line On The Horizon (Standard Version)
- U2**  
**Get On You Book BUY MP3**  
 00:00 4K  
 from: No Line On The Horizon (Standard Version)
- U2**  
**for Line On The horizon BUY MP3**  
 00:00 4K  
 from: No Line On The Horizon (Standard Version)
- U2**  
**Moment Of Surrender BUY MP3**  
 00:00 4K  
 from: No Line On The Horizon (Standard Version)

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0.2.15

Done

Internet 100%

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09-Sep-2009

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## MediaNet Technology

No matter what your requirements, MediaNet offers the platform and products you need to offer music and other media to your users.

MediaNet's catalog is broad and deep, with millions of songs and videos. We have MP3 content from all the major record labels, and tens of thousands of independent labels, covering nearly 30 genres of music, from all eras.

Our web-based music widgets and open APIs allow you to monetize and engage your users with streams and MP3 sales on your website, under your own brand, using the same enterprise-class technology platform that powers industry-leading music stores.

MediaNet has the most [experience](#). Internationally-recognized brands such as Microsoft, Samsung, Tesco and HMV trust us to power their [music services](#).

While you're doing what you do best, communicating with and marketing to your users, MediaNet takes care of all the back-end operations, including:

- Licensing content from labels, publishers, and studios, by territory
- Ingestion of content and metadata from content owners
- Quality assurance
- Packaging, including transcoding and application of metadata, album art and Digital Rights Management (DRM)
- Linking to extended metadata, such as album reviews and artist biographies
- Catalog creation, updating and publishing
- Network operations, including media storage, delivery, and 24/7/365 network support and business continuity
- Customer service
- Payment processor integration and secure data storage
- DRM license administration
- Financial and usage reporting to our customers
- Financial and usage reporting to content owners and publishers

Interested in the services we have to offer? Learn more about our [MN Enterprise](#) and [MN Open](#) products or [contact us](#) to discuss what we can do for your business.

# **EXHIBIT B**

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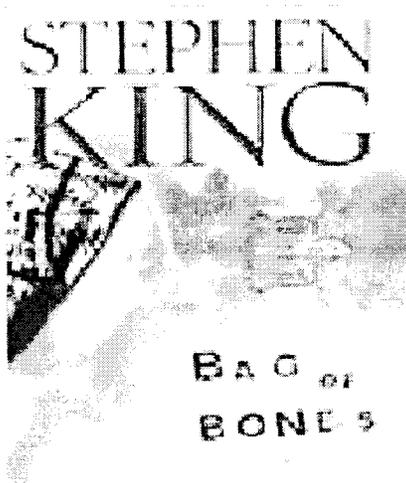
# USPTO TDR Document Viewer

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85045103	Description Specimen	Date 11-Mar-2011			
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## Media Store

Search: Enter Title, Artist,

### Today's Author B



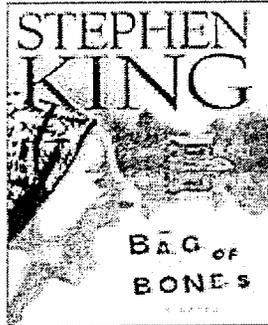
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35)

Top eBook Download

# Media Store

Search: Enter Title, Artist, and/or Album

## Today's Author Buzz



### Stephen King

Stephen Edwin King (born September 21, 1947) is an American author of contemporary horror, suspense, science fiction and fantasy fiction. His books have sold more than 350 million copies and have ... [More >>](#)



### Rhonda Nel...

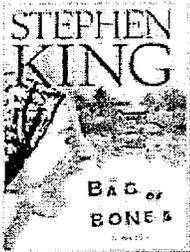
Lorem ipsum dolor sit amet, consectetur adipiscing elit. Duis egestas pharetra lorem sit amet ... [More >>](#)



### Jagmohan R...

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03 "Pay As You Wish" Pricing	Jagmohan Raju	\$1.99	<a href="#">Buy eBook</a>
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Specimen

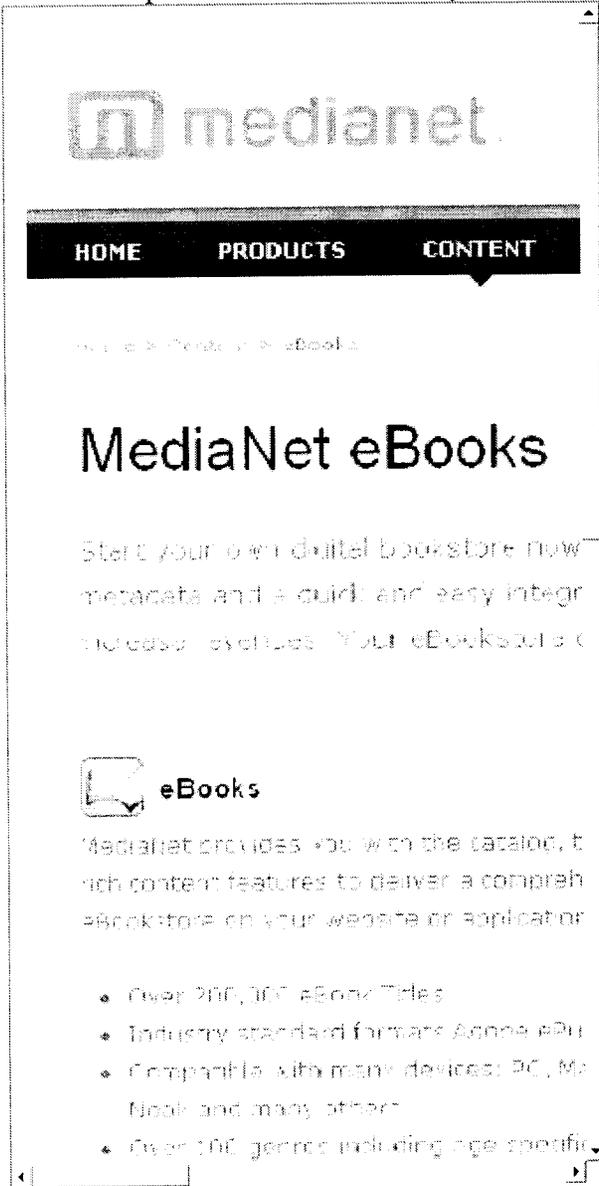
Mail/Create  
Date  
21-May-2010

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The screenshot shows the Medianet website interface. At the top left is the Medianet logo. Below it is a navigation menu with 'HOME', 'PRODUCTS', and 'CONTENT'. The main heading is 'MediaNet eBooks'. Below the heading is a paragraph: 'Start your own digital bookstore now with metadata and a quick and easy integration. Increase revenues. Your eBooks will be...' followed by a list of features:

- Over 200,000 eBook Titles
- Industry standard formats Adobe EPUB
- Compatible with many devices: PC, Mac, Nook and many others
- Over 100 genres including niche specific

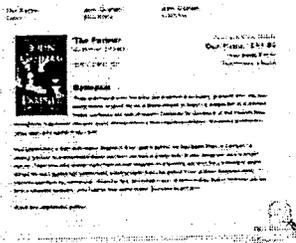
## MediaNet eBooks

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### eBooks

MediaNet provides you with the catalog, technology and rich content features to deliver a comprehensive eBookstore on your website or application.

- Over 200,000 eBook Titles
- Industry standard formats Adobe ePub and PDF
- Compatible with many devices: PC, Mac, Sony Reader, Nook and many others
- Over 100 genres including age specification with tags for greater customization of categories
- Bestsellers, excerpts, synopsis, author bios, reviews, cover art, search
- Tools - download manager, reporting portal, licensing
- New and back titles from leading publishers



### Business/Know-How

MediaNet has delivered a complete end-to-end solution for the digital delivery of eBooks. The MN Open Platform, already a proven and scalable digital music delivery system for hundreds of customers, has been extended to deliver digital books. MediaNet is a pioneer in removing the intricacies of reporting and pricing required by publishers, and in the quick and easy delivery of premium content.

### Content

Web publishers and application developers can quickly incorporate full-featured digital book stores through the MN Open API. With more than 200,000 eBooks and 100 genres, MediaNet's eBook catalog gives you access to a new form of premium content that increases user engagement and generates transactions. Rich metadata includes bestsellers, excerpts, synopsis, author bios, reviews, recommendations, cover art, search and more. MediaNet's eBooks through the MN Open API gives you the ability to engage and transact with your customers in a contextually relevant environment when they are most interested and likely to purchase.

### Technology

MediaNet's API provides complete control over the user experience, functionality, e-commerce and content catalog. You can rapidly implement more advanced browsing, discovery, and purchase options under your own brand. Available in the Adobe ePub format which is compatible with devices including PC, Mac, Sony Reader, Nook and many others, MediaNet's eBooks are protected by Adobe's ACS4 DRM. MediaNet provides you with tools to easily manage an eBook offering including a download manager that detects the presence of reader software, simplifies and reduces the number of download steps, and keeps track of downloads. In addition, a management portal which monitors sales activity in real-time.

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**How to get started**

1. Go to our sign up page to create an account
2. We review your information, then send you the MN Open API configurations and documentation
3. Follow the directions and integrate to your site or application

**Also learn about**

**MN Open API**

The MN Open Web Component library is a great example of what the MN Open API can do. A REST based HTTP service that is full featured and fast to implement, your media needs can be met by this enterprise solution. More information on MediaNet's MN Open API



# **EXHIBIT C**

# MediaNet Digital

Dashboard

Log-in

Get Started Now!

Apply for an account >>

- Home
- Products
- Content
- Technology
- About Us
- Blog

- Home >
- About Us

## About MediaNet

- 
- About MediaNet
- Customers
- Content Partners
- Management Team
- Jobs
- Social Media
- Contact Us
- 

MediaNet's world-class technology platform, MN Open, offers an API and easy to use Web Components that deliver a set of powerful music and media content capability including streams, downloads, media search, contextual matching and other media discovery tools to engage end users while keeping them on your website or application longer to maximize revenues. MediaNet powers music and media delivery for brands of all sizes including iLike, Zune, HMV, Tesco, MOG, Ultimate Guitar and many more.

Originally founded as MusicNet, a service provider that powered music destinations for major brands, the Company changed its name to MediaNet to better represent its expanded offering of digital video and other media types. Alan McGlade has been the CEO of MediaNet since 2001. He has driven the Company forward working with the major record labels to advance digital music usage, developing relationships with customers both large and small looking for new ways to engage end users, and to forge into other areas of content.



Join us on  
Facebook & Twitter

The MN Open platform delivers a service that allows customers to add music and media content to their websites or applications easily and quickly. Through MN Open, we handle complex tasks

including licensing, royalty payments, reporting, encoding, and security so our customers can focus on their end users. MediaNet's API is a robust, customizable and flexible product that keeps the customer brand in tact. The Web Components are a suite of intelligent tools that consist of contextual, discovery and commerce features.

MediaNet is privately-held and is headquartered in New York with offices in London, Seattle and Vancouver.

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# **EXHIBIT D**

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## Content Partners

### The MediaNet Catalog

All products have access to MediaNet's catalog of more than 11 Million songs and thousands of music videos from the top music labels and music distributors. Our media files feature:

- All four major record labels and 80,000+ independent labels
- Album art, extended Meta information
- 100K new tracks added every week
- MP3s licensed for download and streaming
- High quality files, up to 320kbps
- Samples for all tracks
- Rights in multiple international territories

### MediaNet's Content Partners



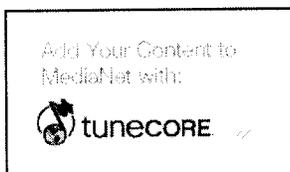
Universal Music Group  
 Sony Music Entertainment  
 Warner Music Group  
 EMI Music  
 Atlantic  
 Blue Note  
 Motown Records  
 Geffen  
 Island Def Jam  
 RCA  
 Interscope  
 Elektra  
 Sub Pop  
 Epic  
 Virgin Records  
 Columbia  
 Disney  
 Hollywood Records  
 Wind-Up Records  
 Concord Jazz  
 Casablanca Records  
 Fantasy Records  
 Lyric Street  
 Jive  
 Downtown Records

Chrysalis  
Parlophone  
E1 Entertainment / Koch Records  
MCA Nashville  
Maverick  
J Records  
Arista  
Mercury Records  
Beggars Group  
Sire  
Zomba  
Nettwerk  
Nonesuch  
Curb Records  
ECM  
IODA  
Reprise  
Matador  
Ministry Of Sound  
ATO  
Big Machine  
Mute  
Epitaph  
Naxos  
Rounder Records  
Warp Records  
Razor & Tie  
Sugar Hill  
Saddle Creek Records  
The Orchard  
The Welk Music Group  
Touch And Go Records  
Merge Records  
Arts & Crafts  
Domino Records  
Barsuk Records  
Chandos  
Cherry Red Records  
Cooking Vinyl  
Jagjaguwar  
TVT Records  
Roadrunner  
Rough Trade  
V2 Records  
Vanguard  
World Circuit  
XL Recordings  
Yep Roc Records  
!K7 Records  
Ingrooves  
Kill Rock Stars  
IRIS Distribution  
Kontor New Media / edelNet  
SideOneDummy  
[PIAS] Digital  
4AD  
972 Records Ltd.  
A-Train Entertainment  
Aardvark Records  
Absolutely Kosher  
ABT Music  
Acony Records  
Ai Records  
Alligator Records  
Alpha Pup Records  
Amalgam Entertainment LLC  
Anthem Records  
Anti  
Ardent Music  
ArkMusic  
Artists Only LLC  
Artpages International  
Audio Bee  
Awal  
Baby New Year Music  
Babygrande Records  
Bacci Bros Records  
Bad Boy Entertainment  
Basileus Music

BBE  
Because Music  
Believe Digital  
BGS Productions Ltd  
Big Fish Media  
Big Time TV  
Blind Pig Records / Whole Hog  
CD Baby  
Cadiz Digital  
Cajual Entertainment  
Camino Records  
Candy Rat Records  
Capitol  
Catapult Distribution  
CC Entertainment  
Centaur Records  
City Slang  
Curve Music  
Cutting Records  
Da Capo Music  
Decca  
deeeep.net / MTunes  
Delos  
Demon Music Group  
Deutsche Grammophon  
Digital Hardcore  
Digital Music Marketing  
Digitalpressure  
Disc Imports  
Ditto Music / Average Bear  
DM Records  
Dotpointperiod  
Dualtone Music Group  
The Echo Label  
Egami Media  
Emubands  
EPM Online  
Equity Music Group  
ESL Music  
Farfield Records  
Fat Cat records  
Fat Possum  
Fat Wreck Records  
Favored Nations  
Finetunes  
For Future Generations Inc.  
Foundation Media  
Foxy Melody  
Fuego Recordings  
G-Unit Records  
Geist Records  
Generika.com  
Globe Star Recordings  
GNP Crescendo  
Grand Royal  
Groove Attack GmbH  
Groovesource  
Gut Records  
Hefty Records  
Hidden Beach Recordings  
Hitchcock Media  
Hot Records  
Hybrid Recordings  
Hyperdub  
I Am Music Online  
IDEA Distributors  
Idol Records  
Indeyo Records  
Interstate  
Jam Central Records  
K-Tel / Dominion Entertainment, Inc.  
Kanine Records LLC  
Kissy Music  
Know Music  
Koch Classics  
Kudos Records Ltd.  
Kufala Recordings  
La Central Digital / Portal Latino  
La Cupula Music

Lasky Records  
Latin Cool Records  
Lil' Joe Records  
Little Dog Records  
LLR Gospel Music  
London Records  
LunaCreciente Music  
MA Music Art  
Madacy  
Maggie's Music  
Malligator  
Mbop Direct  
Megaforce  
Memphis Industries  
Memphis International  
Messenger Records  
Metal Blade Records  
Minty Fresh  
Mo Wax  
Modern Media Distribution  
MOMT Records  
Morphius Records  
Morr Music  
Mountain Apple Company  
MSI Music Corp  
Musicdld.com  
MusicJustMusic  
Neurodisc Records  
Ninja Tune  
Nitro Records  
Nuendo Music Group  
Oh Boy Records / Blue Plate / Red Pajama  
Om Records  
One Little Indian UK / Second Wind  
Opus Fromus  
Oseao Inc.  
OTA Records  
Pacific Art  
Palm Records  
Panartist Networks  
Pickwick Group  
Priddis Music  
Protest Recordings  
Rapster  
Real Music  
Rebel Records  
Reboot Music  
Recall Records  
Redeye Distribution  
Refined Records  
Reincarnate Music  
Righteous Babe Records  
Ritmoteca  
Royalty Share  
RSK Entertainment Ltd.  
Saavn / Hungama  
Seed Records  
Sequoia Records  
Shark Meat Music & Media  
Shashamane Movement  
IndieBlue Entertainment  
Smith Music Group  
Sonic Unyon Records  
Sonic360  
Soulspazm Records  
Soundings of the Planet  
Southern Records Distribution  
SPV Gmbh / Steamhammer  
Stingray / Sound Choice Karaoke  
Strictly Rhythm Records  
Subconscious Records  
Suburban Noize Records  
Sundazed Music  
Sunset Label Group  
Syntax Distribution  
Takeout Records  
Teoleindy Music Group  
Texas Music Group  
Thirsty Ear

Thrill Jockey  
Tommy Boy Entertainment  
Tooth & Nail  
Toucan Cove Entertainment  
Tough Cookie  
Tunecore  
Urban Gospel Records  
Vagrant  
Victory Records  
Virtual Label LLC  
Vitamin Records  
VP Records  
Warlock Records  
Warp Records  
WaTunes  
Whatever Productions / Superego  
Wild Palms Music  
World Music Office  
WorldSound, LLC  
X5 Music  
Zebralution GMBH  
Zojak World Wide  
ZTT



Contact our [label relations team](#) to find out more about how to become a MediaNet content provider.



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## MediaNet Customers

MediaNet's products and services are used by internationally recognized brands, including many of the biggest sellers and distributors of music in the world. Below is a partial list of our retailer customers.

20/20 Management  
 AKT Enterprises  
 AllWorks Media  
 Banquet Records  
 Barista Entertainment  
 Paymentwall  
 Concert Rat  
 Creem  
 eCard  
 EchoSpin  
 Edock.TV  
 eForce Global  
 Emergent  
 Emotitones  
 Encounter Technologies  
 Finale.fm  
 Forty Nine Group  
 Fox News  
 Get Green Music  
 GetPlaylists.com  
 Hello Music  
 HMV  
 iLike  
 iMesh  
 Immergent  
 InMotion  
 Intero  
 Intertech  
 J River  
 Jukebox Jockey  
 La Curacao  
 M3X  
 MagNet Solutions  
 MasterBeat  
 Melody Message  
 Mixing  
 MOG  
 Moozone  
 Music Mogul

Music Republic  
NormSoft  
Outhouse Development  
Overdrive  
Playlists.com  
Flirtware/Music Tycoon  
Rainysongs Entertainment  
Rolling Stone Magazine  
Solestream  
Star City  
Starpulse  
Stereofame  
Tesco  
Tower  
Tunegroove  
Ultimate Guitar  
Unhappenit  
uPlaya  
VerveLife  
Voicebox Technologies  
Voxound  
WaTunes  
ZuBazaar  
Zune  
TuneTribe  
Sincere Music  
DJ Xee  
Hear No Evil Media  
Destiny Records United  
ERG Music  
media world digital distribution  
Bray Industries  
musiXmatch srl  
Infinito Networks  
Nerd It Up - Computers & Electronics Ltd.  
Mix Production  
Strategic Workout Systems LLC  
Encounter Technologies  
SwurvRadio  
RewardChain  
JazzMedia  
MediaDezine  
MiMedia LLC  
USB Incorporated  
Gangsta Records  
Just My Wireless  
Huzo

Soundslam  
technosolve  
Salem Communications  
Tranosnits  
Drumgroups  
MusicKong  
Concert Show Seats  
Moaec Inc  
Ovrtone Music Group  
BizNet Worldwide  
Daylife  
Nobodies from Nowhere  
Kondra  
Greater Boston Media  
Connect 4 Education  
Tunegroove  
World Rhythms  
VoxBloc  
MCEC  
SingSession  
Hitclub Entertainment  
EQAL  
Cochrane Arts Music Project  
getTickets  
K-tel  
Roqbot  
Broadblast Corporation  
Broadtime  
Zobo Technologies  
Allied Technique  
Mylaan Entertainment

Monkey Slingers  
Digital 1 Audio, LLC  
Copia Interactive  
Pitchfork Media Inc.  
RWOACUS  
Urban Technology Ventures LLC  
Outpost19  
Catapult Reservatory, LLC  
Cyloop  
Rock Confidential  
Dynamite Data  
Clef Software  
Paper Tower  
Eltmon Productions  
CCLI  
JamBase  
187 Mafia Entertainment, LLC  
iYapaway  
Brilyuhnt Inc.  
Domainer Inc.  
Panthere Records  
Android Workz  
Remixcity  
budtobud Inc.  
texxa  
Epic Interactive Media Inc.  
Branch St. Entertainment  
Rotations Inc  
ZuBazaar  
Hands Down  
Expand The Room  
Popular Music Incorporated  
Innovo Publishing LLC  
mSpot  
Steamroom Music  
Lyrics Studio  
Blackcitycentral  
Entourage Systems, Inc.  
Songness, Inc.  
Songza  
Inbox.com  
MyYearbook.com  
J-Pay  
Catch Media  
Appitalism/Mobilestreams  
WorshipMinistry.com  
uTuned.com Limited  
GoMerch  
Tirium Inc  
iPlayTones, LLC  
FutureBigStars LLC  
Musiknote  
Corelli Music Group  
Buyopts  
My Gospel Love, Inc.  
Television Music Group, Inc.



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