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11 Attorneys for Plaintiffs E! ENTERTAINMENT TELEVISION, INC., a Delaware  
12 corporation,

13 UNITED STATES DISTRICT COURT  
14 CENTRAL DISTRICT OF CALIFORNIA  
15 CENTRAL JUSTICE CENTER

16 E! ENTERTAINMENT TELEVISION, )  
17 INC., a Delaware corporation, )

18 )  
19 Plaintiffs, )  
20 )

21 vs. )

22 LOUIE DE FILIPPIS, an individual, )  
a/k/a "LOUIE D." and CENTRAL )  
23 IMAGE AGENCY INC., a Canadian )  
corporation, f/k/a Intrepid Pictures Inc. )  
24 and d/b/a LDP IMAGES, ENEWSBUZZ )  
and E NEWS BUZZ, )

25 Defendants. )  
26 )  
27 )  
28 )

CASE NO CV 08-04355

- COMPLAINT FOR:  
(1) TRADEMARK INFRINGEMENT (15 U.S.C. § 1114)  
(2) FALSE DESIGNATION OF ORIGIN (15 U.S.C. § 1125(A))  
(3) FEDERAL TRADEMARK DILUTION (15 U.S.C. § 1125(C))  
(4) COMMON LAW TRADEMARK INFRINGEMENT AND UNFAIR COMPETITION  
(5) CYBERSQUATTING (15 U.S.C. § 1125(D))  
(6) UNFAIR COMPETITION (CAL. BUS. & PROF. CODE § 17000, ET SEQ.)

DEMAND FOR JURY TRIAL

FILED  
2008 JUL -1 PM 3:43  
CLERK U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIF.  
LOS ANGELES

1 Plaintiff E! Entertainment Television, Inc. (“E! Entertainment”), by its  
2 attorneys, for its Complaint against Defendants Louie De Filippis, a/k/a “Louie D,”  
3 and the Central Image Agency Inc. f/k/a Intrepid Pictures Inc. and d/b/a LDP Images  
4 ENEWSBUZZ and E NEWS BUZZ (individually and collectively, “Defendants”),  
5 states as follows:

6 NATURE OF THE ACTION

7 1. This action arises from Defendants’ infringement and dilution of  
8 E! Entertainment’s distinctive and famous E!, E! NEWS and E! NEWS WEEKEND  
9 trademarks (individually and collectively, the “E! NEWS Marks”). As set forth more  
10 fully herein, Defendants substantially incorporated E! Entertainment’s famous and  
11 valuable E! Marks (defined below) and E! NEWS Marks into its ENEWSBUZZ mark,  
12 trade name, and domain names in an effort to trade on the valuable goodwill and  
13 reputation associated with E! Entertainment and its E! Marks and E! NEWS Marks.  
14 On information and belief, this conduct has caused, and is likely to continue to cause,  
15 confusion as to the affiliation or connection between Defendants and E!  
16 Entertainment, and as to the source, sponsorship, or approval of Defendants’ goods  
17 and services. Moreover, Defendants’ conduct is causing and/or is likely to cause  
18 dilution of the valuable E! Marks and E! NEWS Marks. E! Entertainment’s repeated  
19 attempts to amicably resolve this matter have been rebuffed, leaving it no choice but  
20 to seek relief from this Court. E! Entertainment seeks, among other remedies,  
21 injunctive relief and damages for injuries that have been and will continue to be  
22 caused by Defendants’ use of the ENEWSBUZZ mark, trade name, and domain  
23 names in violation of the Lanham Act (15 U.S.C. §§ 1051, et seq.), federal false  
24 designation of origin law (15 U.S.C. § 1125(a)), the Federal Trademark Dilution Act  
25 (15 U.S.C. § 1125(c)), the Anti-Cybersquatting Act (15 U.S.C. § 1125(d)), and  
26 California statutory and common law.

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**JURISDICTION AND VENUE**

2. This Court has personal jurisdiction over Defendants because E! Entertainment is informed and believes that Defendants have engaged in business activities in, and directed to, the State of California and within this judicial district, and because Defendants have knowingly committed a tortious act aimed at, and causing harm within, the State of California and this judicial district.

3. This Court has jurisdiction over this subject matter pursuant to 15 U.S.C. § 1121, and 28 U.S.C. §§ 1331, 1332, 1338 and 1367. E! Entertainment’s claims are, in part, based on violations of the Lanham Act, as amended, 15 U.S.C. §§ 1051-1127, et seq. This Court also has jurisdiction over the state law claims asserted herein pursuant to 28 U.S.C. §§ 1332, 1338(b) and 1367.

4. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (c) because it is where E! Entertainment resides, because E! Entertainment is informed and believes that Defendants transact business in this district, and because a substantial portion of the events giving rise to the asserted claims have occurred, and continue to occur, within this district. Furthermore, the damage to E! Entertainment and its intellectual property described herein continues to occur in this judicial district.

**THE PARTIES**

5. Plaintiff E! Entertainment is a Delaware corporation having its principal place of business at 5750 Wilshire Boulevard in Los Angeles, California 90036.

6. Defendant Louie De Filippis, a/k/a “Louie D,” is an individual who, on information and belief, resides in Canada at the following address: 131 Bloor Street West, Suite No. 200-379, Toronto, Ontario, Canada M5S 1R8. On information and belief, he is the owner and/or president of the Central Image Agency Inc. f/k/a Intrepid Pictures Inc. and d/b/a LDP Images, ENEWSBUZZ and E NEWS BUZZ. Mr. De Filippis transacts business in the Central District of California. More specifically, Mr.

1 De Filippis owns and operates an Internet-based news blog specializing in late  
2 breaking celebrity news and images under the trade name and mark ENEWSBUZZ,  
3 and using the Internet domain name <enewsbuzz.com>, as well as numerous other  
4 domain names incorporating the phrase “enewsbuzz.” See Exhibit A (listing these  
5 other domain names). On information and belief, Mr. De Filippis also offers, sells,  
6 and/or licenses candid photographs of celebrities to various U.S.-based celebrity news  
7 outlets, including, without limitation, People.com, TMZ.com, and US Weekly. Mr.  
8 De Filippis’ services are offered worldwide and throughout the United States,  
9 including in the Central District of California.

10 7. On information and belief, Defendant Central Image Agency Inc., f/k/a  
11 Intrepid Pictures Inc., is a Canadian corporation, located at 126 Kilbarry Road,  
12 Toronto, Ontario Canada M5P 1L4, which transacts business in the Central District of  
13 California under the names LDP Images, ENEWSBUZZ and/or E NEWS BUZZ.  
14 More specifically, the Central Image Agency operates an Internet-based news blog  
15 specializing in late breaking celebrity news and images under the trade name and  
16 mark ENEWSBUZZ, and using the Internet domain name <enewsbuzz.com>. On  
17 information and belief, Central Image Agency also offers, sells, and licenses candid  
18 photographs of celebrities to various U.S.-based celebrity news outlets, including,  
19 without limitation, People.com, TMZ.com, and US Weekly. The Central Image  
20 Agency’s services are offered worldwide and throughout the United States, including  
21 in the Central District of California.

22  
23 **E! ENTERTAINMENT’S BUSINESS AND MARKS**

24  
25 8. E! Entertainment is the world’s largest producer and distributor of  
26 entertainment news and lifestyle-related programming. E! Entertainment was  
27 launched on June 1, 1990 as the only 24-hour network with programming dedicated to  
28 the world of entertainment. E! Entertainment offers compelling celebrity interviews,

1 talk shows, news, docudramas, behind-the-scenes specials, comedy, movie previews,  
2 and the most comprehensive coverage of the entertainment industry's award shows.  
3 E! Entertainment is currently available to over 80 million cable and satellite  
4 subscribers in the United States and to over 600 million homes internationally.

5 9. Since 1990, E! Entertainment has expended considerable time, resources  
6 and effort in promoting its "E!" mark and numerous variations thereof (individually  
7 and collectively, the "E! Marks") throughout the United States and elsewhere. As a  
8 result of these efforts, E! Entertainment has built substantial recognition and goodwill,  
9 and has developed significant intellectual property rights, in its E! Marks for which it  
10 has been issued numerous registrations by the United States Patent and Trademark  
11 Office ("USPTO"). See, e.g., U.S. Registration Nos. 3037991, 1645542, 1645543,  
12 2030152, 2395979, 2545008, and 2600727.

13 10. "E! News" is one of E! Entertainment's most popular television  
14 programs, which brings viewers the most comprehensive, up-to-the-minute reports on  
15 the day's top celebrity gossip and news stories. The program began airing in the  
16 United States in 1991 as "E! News Daily" and was later renamed to "E! News Live"  
17 and then simply "E! News." E! News can also be accessed online at  
18 <<http://www.eonline.com>>. In fact, E! Entertainment owns and uses numerous  
19 domain names incorporating its E! Marks and E! NEWS Marks in connection with its  
20 E! News program, including, among others, <[enews.net](http://enews.net)>, <[enewsdaily.com](http://enewsdaily.com)>,  
21 <[enewslive.us](http://enewslive.us)> and <[e-news-live.com](http://e-news-live.com)>. E! Entertainment has also been using both  
22 the E! Marks and E! NEWS Marks internationally, including in Canada, for a  
23 number of years and since well before Defendants commenced use of the  
24 ENEWSBUZZ mark. Through its efforts, E! Entertainment has built substantial  
25 recognition and goodwill in its E! NEWS Marks, for which it has also been issued  
26 registrations by the USPTO. See U.S. Registration Nos. 3323712 and 2032128,  
27 attached hereto as Exhibit B.

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1 11. As a consequence of the extensive advertising, promotion, and use of the  
2 E! NEWS Marks, E! Entertainment has developed enormous recognition for its  
3 services under the E! NEWS Marks and has acquired and enjoys an immensely  
4 valuable reputation and tremendous goodwill under the marks. The E! Marks and the  
5 E! NEWS Marks are world renowned and “famous” for purposes of 15 U.S.C.  
6 §1125(c)(1).

7  
8 **DEFENDANTS’ BUSINESS AND TRADE NAME**

9  
10 12. E! Entertainment recently discovered that, long after it commenced use  
11 of its famous E! Marks and E! NEWS Marks, and without E! Entertainment’s  
12 knowledge, consent, or authorization, Defendants began conducting business under  
13 the name ENEWSBUZZ, and began using the <www.enevsnbuzz.com> domain name.  
14 A screen capture of the webpage is attached hereto as Exhibit C.

15 13. Defendants use the ENEWSBUZZ mark, trade name, and domain names  
16 in connection with providing gossip, news and images of Hollywood celebrities. In  
17 addition, Defendants’ ENEWSBUZZ website includes a special section devoted solely  
18 to celebrity gossip in the Los Angeles area, referred to as “Buzz LA.”

19 14. Defendants’ business activities are conducted in connection with the  
20 ENEWSBUZZ mark, trade name, and domain names, and Defendants profit from,  
21 among other things, advertising revenues generated through Defendants’ website,  
22 located at <enevsnbuzz.com>.

23 15. Defendants’ ENEWSBUZZ mark, trade name, and domain names  
24 substantially incorporate E! Entertainment’s famous E! Marks and E! NEWS Marks,  
25 with the addition of the descriptive term “buzz.” Phonetically, Defendants’ mark,  
26 trade name, and domain names sound identical to E! Entertainment’s famous E!  
27 Marks and E! NEWS Marks, again, with the addition of the descriptive term “buzz.”  
28 As such, Defendants’ ENEWSBUZZ mark, trade name, and domain names are



1 consistently used and displayed in such a way that blatantly encroaches upon E!  
2 Entertainment's E! Marks and E! NEWS Marks. Significantly, Defendants'  
3 ENEWSBUZZ mark is depicted on its website with the letter "E" offset in bold red—  
4 the same color that E! Entertainment has been using in connection with the "E!"  
5 portion of its E! Marks and E! NEWS Marks for many years. See Exhibit C and E!  
6 Marks and E! NEWS Marks displayed at  
7 <<http://www.eonline.com/on/shows/enews/index.jsp>>.

8 16. On information and belief, Defendants capitalize on the E! Marks and E!  
9 NEWS Marks by virtue of search engines, such as Yahoo.com, Google.com, and  
10 Lycos.com, which consumers often use to access and/or search for E! Entertainment's  
11 celebrity news reports. Consumers who are searching for E! Entertainment's services  
12 may instead be directed to a link for Defendants' website located at <[enewsbuzz.com](http://enewsbuzz.com)>  
13 and, as such, may be initially confused into believing that Defendants' website is  
14 somehow connected, associated with, sponsored or approved by E! Entertainment.

15 17. Upon learning of Defendants' unauthorized use of the ENEWSBUZZ  
16 mark, trade name, and domain names, E! Entertainment formally demanded that  
17 Defendants discontinue any use of the famous E! NEWS Marks in any form. A copy  
18 of E! Entertainment's February 1, 2008 correspondence is attached hereto as Exhibit  
19 D.

20 18. It was not until March 4, 2008 that Defendants' counsel finally  
21 substantively responded to the February 1, 2008 letter, stating, in a relatively  
22 conclusory manner, that there was no likelihood of confusion and effectively denying  
23 E! Entertainment's request that Defendants cease using the offending mark. A copy  
24 of the March 4, 2008 correspondence is attached as Exhibit E.

25 19. Thereafter, E! Entertainment initiated many unsuccessful attempts to  
26 resolve this dispute amicably, including contacting Defendants' counsel by telephone,  
27 mail, and e-mail. Nevertheless, Defendants continue to refuse to voluntarily cease and  
28

1 desist from their unauthorized and infringing use of the E! Marks and E! NEWS  
2 Marks.

3 20. On information and belief, Defendants adopted the ENEWSBUZZ mark,  
4 trade name, and domain names to intentionally exploit the notoriety of the E! Marks  
5 and E! NEWS Marks, and to trade on the goodwill, reputation, and enormous success  
6 associated with E! Entertainment and its E! Marks and E! NEWS Marks. Indeed, on  
7 information and belief, Defendants have continued and have expanded their use of  
8 ENEWSBUZZ with actual knowledge of E! Entertainment and its ownership and use  
9 of the E! Marks and E! NEWS Marks, for the purpose of intentionally and nefariously  
10 capitalizing upon E! Entertainment's valuable goodwill.

11 21. The confusing similarity between the ENEWSBUZZ mark, trade name,  
12 and domain names, on the one hand, and E! Entertainment's E! Marks and E! NEWS  
13 Marks, on the other, is likely to cause confusion as to the source of Defendants'  
14 services. Thus, Defendants have been and currently are engaged in acts which are  
15 injurious and deceptive to the public and which have caused E! Entertainment  
16 irreparable harm.

17  
18 **FIRST CAUSE OF ACTION**

19 **TRADEMARK INFRINGEMENT (15 U.S.C. § 1114)**

20  
21 22. Plaintiff realleges and incorporates herein by reference the matters  
22 alleged in Paragraphs 1 through 21 of this Complaint.

23 23. As a result of E! Entertainment's extensive use and promotion of its E!  
24 Marks and E! NEWS Marks, and its commitment to seeking federal registrations and  
25 protecting the distinctiveness of those marks, such marks enjoy considerable goodwill,  
26 widespread recognition, and secondary meaning in commerce that has become  
27 associated with E! Entertainment and its products and services.

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1           24. Prior to its adoption and use of the ENEWSBUZZ mark, trade name, and  
2 domain names, Defendant either had actual notice and knowledge, or constructive  
3 notice (pursuant to 15 U.S.C. § 1072), of E! Entertainment's ownership and  
4 registrations of the E! Marks and E! NEWS Marks.

5           25. On information and belief, Defendants deliberately and willfully used  
6 and are using the ENEWSBUZZ mark, trade name, and domain names in an attempt  
7 to trade on the enormous goodwill, reputation, and marketing power established by E!  
8 Entertainment under the E! Marks and E! NEWS Marks to cause confusion or  
9 mistake, or to deceive consumers or potential consumers wishing to access services  
10 offered under E! Entertainment's E! Marks and E! NEWS Marks.

11           26. Upon information and belief, Defendants have used ENEWSBUZZ as a  
12 trademark, trade name, and in its domain names, in interstate commerce, including in  
13 this judicial district.

14           27. Upon information and belief, the services provided by Defendants under  
15 the ENEWSBUZZ name and mark are identical, or, at least, substantially similar, to  
16 the services provided by E! Entertainment under the E! Marks and E! NEWS Marks,  
17 and are being offered through the same channels of trade and/or advertising and to the  
18 same consumer groups.

19           28. E! Entertainment has not consented to Defendants' use of  
20 ENEWSBUZZ.

21           29. Defendants' unauthorized use of ENEWSBUZZ falsely indicates to  
22 consumers that Defendants' services are in some manner connected with, sponsored  
23 by, affiliated with, related to, or approved by E! Entertainment and/or the services of  
24 E! Entertainment.

25           30. Defendants' unauthorized use of ENEWSBUZZ is likely to cause  
26 consumers to be confused as to the source, nature, and quality of the services that  
27 Defendants are offering in connection with the ENEWSBUZZ trade name and mark.

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1 31. By misleadingly diverting to Defendants' website (through use of search  
2 engines) consumers who are actually seeking to visit E! Entertainment's website,  
3 Defendants use of ENEWSBUZZ is causing actual confusion, initial interest  
4 confusion, and unjust enrichment to Defendants.

5 32. Defendants' unauthorized use of the ENEWSBUZZ name and mark  
6 deprives E! Entertainment of the ability to control consumer perception of the quality  
7 of the services marketed under the E! Marks and E! NEWS Marks, and instead, places  
8 E! Entertainment's valuable reputation and goodwill into the hands of Defendants,  
9 over whom E! Entertainment has no control.

10 33. The aforementioned acts of Defendants constitute federal trademark  
11 infringement in violation of 15 U.S.C. § 1114.

12 34. The intentional nature of Defendants' acts makes this an exceptional case  
13 under 15 U.S.C. § 1117(a).

14 35. E! Entertainment has been, is now, and will be irreparably harmed by  
15 Defendants' aforementioned acts of infringement, and unless enjoined by the Court,  
16 Defendants will continue to infringe upon the E! Marks and E! NEWS Marks. There  
17 is no adequate remedy at law for the harm caused by the acts of infringement alleged  
18 herein.

19  
20 **SECOND CAUSE OF ACTION**

21 **FALSE DESIGNATION OF ORIGIN (15 U.S.C. § 1125(A))**

22  
23 36. Plaintiff realleges and incorporates herein by reference the matters  
24 alleged in Paragraphs 1 through 35 of this Complaint.

25 37. As a result of E! Entertainment's extensive use and promotion of its E!  
26 Marks and E! NEWS Marks, and its commitment to seeking federal registrations and  
27 protecting the distinctiveness of those marks, such marks enjoy considerable goodwill,  
28

1 widespread recognition, and secondary meaning in commerce as associated with E!  
2 Entertainment and E! Entertainment's services.

3 38. Defendants' unauthorized use of ENEWSBUZZ falsely suggests that  
4 Defendants' business is connected with, sponsored by, affiliated with, or related to E!  
5 Entertainment.

6 39. Defendants' unauthorized use of ENEWSBUZZ, as alleged herein,  
7 constitutes false designation of the origin of its goods and/or services in violation of  
8 Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a)).

9 40. The intentional nature of Defendants' aforementioned acts makes this an  
10 exceptional case pursuant to 15 U.S.C. § 1117.

11 41. E! Entertainment has been, is now, and will be irreparably harmed by  
12 Defendants' aforementioned acts of infringement, and unless enjoined by the Court,  
13 Defendants will continue to infringe upon the E! Marks and E! NEWS Marks. There  
14 is no adequate remedy at law for the harm caused by the acts of infringement alleged  
15 herein.

16  
17 **THIRD CAUSE OF ACTION**

18 **FEDERAL TRADEMARK DILUTION (15 U.S.C. § 1125(C))**

19  
20 42. E! Entertainment realleges and incorporates herein by reference the  
21 matters alleged in Paragraphs 1 through 41 of this Complaint.

22 43. The E! Marks and E! NEWS Marks are world-renowned. They are  
23 famous marks that are widely recognized by consumers, businesses and industries,  
24 and they identify the goods and services of E! Entertainment in the minds of  
25 consumers.

26 44. Defendants' unauthorized use of the E! Marks and E! NEWS Marks  
27 began after these marks had become famous.

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1 45. Defendants' unauthorized use of a trade name and service mark that so  
2 prominently incorporate the E! Marks and E! NEWS Marks effectively blurs and  
3 whittles away at the identity-evoking quality of the E! Marks and E! NEWS Marks,  
4 which consumers associate with E! Entertainment and its goods and services.

5 46. Defendants' unauthorized use of the E! Marks and E! NEWS Marks as a  
6 key component of its trade name and domain names is likely to have, has and will  
7 continue to have, an adverse effect upon the distinctive quality of the E! Marks and E!  
8 NEWS Marks.

9 47. Defendants' acts constitute trademark dilution in violation of the Federal  
10 Trademark Dilution Act of 1955 (15 U.S.C. § 1125(c)).

11  
12 **FOURTH CAUSE OF ACTION**

13 **COMMON LAW TRADEMARK INFRINGEMENT AND UNFAIR**

14 **COMPETITION**

15  
16 48. E! Entertainment realleges and incorporates herein by reference the  
17 matters alleged in Paragraphs 1 through 47 of this Complaint.

18 49. Defendants' conduct constitutes deception, by means of which their  
19 goods and services have been palmed off as those of E! Entertainment. Such conduct  
20 constitutes trademark infringement and unfair competition in violation of the common  
21 law of the State of California.

22 50. Plaintiff has used its distinctive E! Marks and E! NEWS Marks in  
23 connection with celebrity news reporting services since 1990 and 1991, respectively.  
24 By reason of E! Entertainment's longstanding and extensive use, the E! Marks and E!  
25 NEWS Marks have become uniquely associated with E! Entertainment and identify E!  
26 Entertainment as the source of those services.

27 51. Defendants' unauthorized use of ENEWSBUZZ is likely to cause  
28 confusion or mistake, or is likely to deceive customers, consumers, the general public,

1 and the trade as to the affiliation, connection, or association between E! Entertainment  
2 and Defendants, and as to the origin, sponsorship, or other association of E!  
3 Entertainment's services and the services offered by Defendants.

4 52. By reason of the foregoing, Defendants have infringed and are continuing  
5 to infringe on E! Entertainment's common law rights in and to its E! Marks and E!  
6 NEWS Marks.

7 53. Defendants' unlawful conduct has been and continues to be willful or  
8 willfully blind, and knowing or with reason to know.

9 54. E! Entertainment has been and will continue to be irreparably harmed by  
10 Defendants' aforementioned acts of trademark infringement and unfair competition,  
11 and unless enjoined by the Court, Defendants' wrongful acts will continue. There is  
12 no adequate remedy at law for the harm caused by the acts of infringement and unfair  
13 competition alleged herein.

14  
15 **FIFTH CAUSE OF ACTION**  
16 **CYBERSQUATTING (15 U.S.C. § 1125(d))**

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18 55. E! Entertainment realleges and incorporates herein by reference the  
19 matters alleged in Paragraphs 1 through 54 of this Complaint.

20 56. The E! Marks and E! NEWS Marks were distinctive at the time  
21 Defendants registered the infringing domain name <enewsbuzz.com>, and its other  
22 domain names incorporating "enewsbuzz" set forth in Exhibit A, and the E! Marks  
23 and E! NEWS Marks remain distinctive today.

24 57. The infringing domain names were nearly identical and confusingly  
25 similar to the E! Marks and E! NEWS Marks at the time the Defendants registered the  
26 infringing domain names, and remain nearly identical and confusingly similar today.

27 58. Defendants registered, used, and continue to use the infringing domain  
28 names with bad faith intent to divert consumers from the E! Entertainment's website

1 and to profit from the recognition and goodwill associated with E! Entertainment's E!  
2 Marks and E! NEWS Marks.

3 59. On information and belief, Defendants registered and/or maintain  
4 registrations for the domain names with the bad faith intent to resell the domain names  
5 to E! Entertainment at an exorbitant price.

6 60. Defendants' registration and use of the infringing domain names has  
7 caused and will continue to cause damage to E! Entertainment, in an amount to be  
8 proven at trial.

9 61. In addition, Defendants' registration and use of the infringing domain  
10 names is causing irreparable harm to E! Entertainment for which there is no adequate  
11 remedy at law.

12

13 **SIXTH CAUSE OF ACTION**

14 **UNFAIR COMPETITION (CAL. BUS. & PROF. CODE § 17000, et seq.)**

15

16 62. E! Entertainment realleges and incorporates herein by reference the  
17 matters alleged in Paragraphs 1 through 61 of this Complaint.

18 63. Defendants' acts described above constitute unfair competition in  
19 violation of California Business and Professional Code § 17200, et seq., as they are  
20 likely to deceive the public.

21 64. Defendants' acts of unfair competition have caused and will continue to  
22 cause E! Entertainment irreparable harm. E! Entertainment has no adequate remedy at  
23 law for Defendants' acts of unfair competition alleged herein.

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3 **PRAYER FOR RELIEF**

4 WHEREFORE, E! Entertainment respectfully prays for relief as follows:

5 1. Entry of an order and judgment requiring that Defendants, their officers,  
6 agents, servants, employees, owners, and representatives, and all other persons or  
7 entities in active concert or participation with them, be preliminarily and, thereafter,  
8 permanently enjoined and restrained from (a) using in any manner the E! Marks and  
9 E! NEWS Marks, or any name or mark that wholly incorporates the E! Marks and E!  
10 NEWS Marks or is confusingly similar to or a colorable imitation of these marks,  
11 including, without limitation, the ENEWSBUZZ (or E NEWS BUZZ) name and  
12 mark; and (b) doing any act or thing calculated or likely to cause confusion or mistake  
13 in the minds of members of the public, or prospective customers of E! Entertainment's  
14 services, as to the source of the services offered, distributed or marketed by  
15 Defendants, or likely to deceive members of the public or prospective consumers into  
16 believing that there is some connection between Defendants and E! Entertainment;

17 2. A judgment ordering Defendants, pursuant to 15 U.S.C. § 1116(a), to file  
18 with this Court and serve upon E! Entertainment within thirty (30) days after entry of  
19 the injunction, a report in writing under oath setting forth in detail the manner and  
20 form in which Defendants have complied with the injunction and implemented  
21 adequate and effective means to either discontinue doing business and/or discontinue  
22 offering or marketing services bearing the ENEWSBUZZ (or E NEWS BUZZ) mark  
23 and trade name;

24 3. A judgment ordering Defendants, pursuant to 15 U.S.C. § 1118, to  
25 deliver for destruction, or to show proof of said destruction or sufficient modification  
26 to eliminate all articles, packages, wrappers, products, displays, labels, signs,  
27 circulars, kits, packaging, letterheads, business cards, literature, materials, receptacles,  
28 and any other matter in the possession, custody, or under the control of Defendants or  
its agents or distributors bearing the E! Marks or E! NEWS Marks in any form or

1 manner whatsoever, or any mark that is confusingly similar to or a colorable imitation  
2 of the E! Marks or E! NEWS Marks (including, without limitation, the ENEWSBUZZ  
3 and/or E NEWS BUZZ mark), both alone and in combination with other words or  
4 terms;

5 4. A judgment ordering Defendants, pursuant to 15 U.S.C. § 1118, to delete  
6 any and all information and/or computer files bearing any form of the E! Marks or E!  
7 NEWS Marks in any manner, or any mark that is confusingly similar to or a colorable  
8 imitation of the E! Marks or E! NEWS Marks, both alone and in combination with  
9 other words or terms, including but not limited to any text and/or images that are  
10 hosted on the Defendants' websites or on any of the Defendants' computers or hard  
11 drives or other storage media;

12 5. A judgment ordering the cancellation or transfer to E! Entertainment of  
13 the infringing domain name <enewsbuzz.com>, and the other domain names  
14 incorporating this phrase as set forth in Exhibit A, along with any other domain names  
15 registered by Defendants that are comprised, in whole or in part, of "enews",  
16 "enewsbuzz" or any other term that is confusingly similar thereto;

17 6. A judgment that E! Entertainment be awarded three (3) times  
18 Defendants' profits or actual damages to E! Entertainment from Defendants' use of  
19 the E! Marks and E! NEWS Marks, together with E! Entertainment's reasonable  
20 attorneys' fees and costs, pursuant to 15 U.S.C. § 1117(a) and (b);

21 7. A judgment awarding E! Entertainment up to \$100,000 per domain name  
22 for Defendants' violation of 15 U.S.C. § 1125(d)(1), pursuant to 15 U.S.C. § 1117(d);

23 8. A judgment in connection with the asserted common law claims and/or  
24 otherwise permitted by law, including but not limited to an award of punitive damages  
25 in favor of E! Entertainment in an amount to be determined;

26 9. A judgment declaring that Defendants may not use or register, in any  
27 manner, ENEWSBUZZ (or E NEWS BUZZ), or any other name or mark that  
28

1 incorporates, constitutes a colorable imitation of, or is confusingly similar to, the E!  
2 Marks or E! NEWS Marks; and

3 10. A judgment granting E! Entertainment such other and further relief as  
4 this Court deems just and proper.

5  
6 **JURY DEMAND**

7  
8 Plaintiff E! Entertainment Television, Inc. hereby demands a jury trial.

9  
10 Dated: June 30, 2008

Respectfully submitted,

11  
12 By: 

Kristin L. Holland

13  
14 Attorneys for Plaintiff  
E! ENTERTAINMENT TELEVISION, INC.

15  
16 Floyd A. Mandell  
17 Carolyn M. Passen  
18 Cathay Y. N. Smith  
KATTEN MUCHIN ROSENMAN LLP  
525 West Monroe Street  
Chicago, Illinois 60661  
Phone: (312) 902-5200  
Fax: (312)902-1061

19  
20 Kristin L. Holland  
KATTEN MUCHIN ROSENMAN LLP  
2029 Century Park East, Suite 2600  
21 Los Angeles, California 90067-3012  
Phone: (310) 788-4400  
22 Fax: (310) 788-4471

23  
24  
25  
26  
27  
28  
Katten

KATTEN MUCHIN ROSENMAN LLP

2029 Century Park East, Suite 2600  
Los Angeles, CA 90067-3012  
310.788.4400 tel 310.788.4471 fax

# EXHIBIT A

**Purchase Domain:**[Register It!](#)

After reviewing your search results to find an available domain name, enter your desired name in the input box above to purchase it. Click here for pricing.

**Registered Domain Names**

Matched 64 domain names out of 100 million in 0.17 seconds.

1. [WHOIS] [enewsbuzz.com](#)
2. [WHOIS] [enewsbuzz.net](#)
3. [WHOIS] [enewsbuzz.org](#)
  
6. [WHOIS] [enewsbuzz-america.com](#)
7. [WHOIS] [enewsbuzz-asia.com](#)
8. [WHOIS] [enewsbuzz-australia.com](#)
9. [WHOIS] [enewsbuzz-barbados.com](#)
10. [WHOIS] [enewsbuzz-canada.com](#)
11. [WHOIS] [enewsbuzz-dubai.com](#)
12. [WHOIS] [enewsbuzz-europe.com](#)
13. [WHOIS] [enewsbuzz-germany.com](#)
14. [WHOIS] [enewsbuzz-hollywood.com](#)
15. [WHOIS] [enewsbuzz-images.com](#)
16. [WHOIS] [enewsbuzz-iran.com](#)
17. [WHOIS] [enewsbuzz-israel.com](#)
18. [WHOIS] [enewsbuzz-italy.com](#)
19. [WHOIS] [enewsbuzz-japan.com](#)
20. [WHOIS] [enewsbuzz-la.com](#)
21. [WHOIS] [enewsbuzz-lasvegas.com](#)
22. [WHOIS] [enewsbuzz-lebanon.com](#)
23. [WHOIS] [enewsbuzz-live.com](#)
24. [WHOIS] [enewsbuzz-london.com](#)
25. [WHOIS] [enewsbuzz-metro.com](#)

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Purchase Domain:

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After reviewing your search results to find an available domain name, enter your desired name in the input box above to purchase it. Click here for pricing.

### Registered Domain Names

Matched 64 domain names out of 100 million in 0.16 seconds.

26. [WHOIS] [enewsbuzz-miami.com](#)
27. [WHOIS] [enewsbuzz-milan.com](#)
28. [WHOIS] [enewsbuzz-nyc.com](#)
29. [WHOIS] [enewsbuzz-paris.com](#)
30. [WHOIS] [enewsbuzz-rome.com](#)
31. [WHOIS] [enewsbuzz-sports.com](#)
32. [WHOIS] [enewsbuzz-toronto.com](#)
33. [WHOIS] [enewsbuzz-usa.com](#)
34. [WHOIS] [enewsbuzz-vegas.com](#)
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38. [WHOIS] [enewsbuzzcanada.com](#)
39. [WHOIS] [enewsbuzzchicago.com](#)
40. [WHOIS] [enewsbuzzchina.com](#)
41. [WHOIS] [enewsbuzzeurope.com](#)
42. [WHOIS] [enewsbuzzfly.com](#)
43. [WHOIS] [enewsbuzzfrance.com](#)
44. [WHOIS] [enewsbuzzgermany.com](#)
45. [WHOIS] [enewsbuzzhamptons.com](#)
46. [WHOIS] [enewsbuzzhollywood.com](#)
47. [WHOIS] [enewsbuzzhollywood.com](#)
48. [WHOIS] [enewsbuzzhollywoodminute.com](#)
49. [WHOIS] [enewsbuzzimages.com](#)
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Purchase Domain:

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60. [WHOIS] [enewsbuzzrome.com](#)
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62. [WHOIS] [enewsbuzzspain.com](#)
63. [WHOIS] [enewsbuzztoronto.com](#)
64. [WHOIS] [enewsbuzzvancouver.com](#)

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# EXHIBIT B



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# E! News

<b>Word Mark</b>	E! NEWS
<b>Goods and Services</b>	IC 041. US 100 101 107. G & S: Entertainment in the nature of television news shows; News agencies, namely, gathering and dissemination of news; Providing news in the nature of current event reporting. FIRST USE: 20050300. FIRST USE IN COMMERCE: 20050300
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Trademark Search Facility Classification Code</b>	LETS-1 E A single letter, multiples of a single letter or in combination with a design NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters,punctuation and mathematical signs,zodiac signs,prescription marks
<b>Serial Number</b>	77138040
<b>Filing Date</b>	March 22, 2007
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	August 14, 2007
<b>Registration Number</b>	3323712
<b>Registration Date</b>	October 30, 2007
<b>Owner</b>	(REGISTRANT) E! Entertainment Television, Inc. CORPORATION DELAWARE 5750 Wilshire Blvd. Los Angeles CALIFORNIA 90036

Prior Registrations 2032128

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "NEWS" APART FROM THE MARK AS SHOWN

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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#### Typed Drawing

<b>Word Mark</b>	EI NEWS WEEKEND
<b>Goods and Services</b>	IC 041. US 100 101 107. G & S: entertainment services, namely, on-going entertainment news and information television programs. FIRST USE: 19960202. FIRST USE IN COMMERCE: 19960202
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	75061519
<b>Filing Date</b>	February 23, 1996
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	October 29, 1996
<b>Registration Number</b>	2032128
<b>Registration Date</b>	January 21, 1997
<b>Owner</b>	(REGISTRANT) EI Entertainment Television, Inc. CORPORATION DELAWARE 5750 Wilshire Boulevard Los Angeles CALIFORNIA 900363209
<b>Attorney of Record</b>	LISA BERGER
<b>Prior Registrations</b>	1645541;1645542;1778119;AND OTHERS
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "NEWS WEEKEND" APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	SERVICE MARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20070403.
<b>Renewal</b>	1ST RENEWAL 20070403
<b>Live/Dead Indicator</b>	LIVE

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SUPERS TARDOM

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MOKAI

CLUB MANSION MIAMI

PRIME 112 RESTAURANT

THE FORGE RESTAURANT

SHORE CLUB MIAMI

## GRAND PRIX 2008 IN MONTREAL HAS SOME A-LIST FANS STAY TUNED FOR MORE..

enewsbuzz-Montreal

Pam Anderson Michael Douglas and P.Diddy who hosted a bash at Tribe in Montreal were all spotted in Montreal pre race.. More A-list stars are on the schedule for race day and we will bring it to you live...



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[Style.com/fashionshow](http://Style.com/fashionshow)

### Fashionistas

Support the fashion arts. Fashion shows & exhibitions

[www.thefashionistas.org](http://www.thefashionistas.org)

# EXHIBIT D

# Katten

Katten Muchin Rosenman LLP

525 W. Monroe Street  
Chicago, IL 60661-3693  
312.902.5200 tel  
312.902.1061 fax

FLOYD A. MANDELL  
floyd.mandell@kattenlaw.com  
312.902.5235 direct  
312.577.8982 fax

February 1, 2008

Via E-mail (contact@enewsbuzz.com) and U.S. Mail

E News Buzz  
ATTN: ENEWSBUZZ.COM  
c/o Network Solutions  
P.O. Box 447  
Herndon, VA 20172-0447

Re: Unauthorized Use of "E News"

To Whom It May Concern:

This law firm represents E! Entertainment Television, Inc. ("E!") in connection with its trademark policing and enforcement efforts. We have been asked by our client to resolve its concerns regarding your use of the name "E News" in connection with your business, domain name <www.enewsbuzz.com> and website (located at <http://www.enewsbuzz.com>).

As you may know, E! is the world's largest producer and distributor of entertainment news and lifestyle-related programming. Its cable television channel, the E! channel, reaches more than 90 million cable and direct broadcast satellite subscribers in the United States alone. Moreover, one of the channel's most popular programs is "E! News", a program that brings viewers the most comprehensive, up-to-the-minute reports on the day's top entertainment stories. "E! News" can also be accessed online at <http://www.eonline.com>. E! has been using the marks E! NEWS and E! NEWS WEEKEND (collectively "E! News Marks") for several years now, on an international scale, and it has registered these marks with the United States Patent and Trademark Office. See U.S. Reg. Nos. 2032128 and 3323712 (attached hereto). During these years, E! has extensively promoted its E! News Marks and, as a result of its significant expenditure of time, effort and resources, it has built up and owns considerable goodwill associated with its E! News Marks. Accordingly, E! considers these marks to be among its most valuable assets.

As I am sure you can understand, your wholesale incorporation of our client's mark as part of the title and domain name for your website, also devoted to entertainment news, is likely to confuse consumers. Indeed, our client uses its E! News Marks for the same services, and has been for many years now. By using the name "E News Buzz," you may lead the public to mistakenly believe that your business and/or services are somehow legitimately associated with or sponsored by or approved by our client. As such, we believe that your activities may constitute, among other things, trademark infringement, false designation of origin, passing off, unfair competition,

CHICAGO CHARLOTTE IRVING LONDON LOS ANGELES NEW YORK PALO ALTO WASHINGTON, DC WWW.KATTENLAW.COM

LONDON AFFILIATE: KATTEN MUCHIN ROSENMAN CORNISH LLP

A limited liability partnership including professional corporations

February 1, 2008  
E News Buzz  
Page 2

dilution and deceptive trade practices, which could subject you to claims for injunctive relief and damages, including possibly treble damages and payment of attorneys' fees.

Recognizing that you may not have conducted an availability search before you began using the "E News Buzz" name, we are writing to you at this time to afford you an opportunity to avoid a potential legal dispute. To this end, we ask for your prompt written assurance that you will cease any use, in any manner, of the phrase "E News" or any confusingly similar variation thereof (alone or together with other words). In addition, we request your written assurance that you will never again register any domain name, worldwide, that incorporates the phrase "ENEWS," and that you will take all steps necessary to transfer to our client all domain names, or any applications for domain names, that you currently own, which incorporate this phrase, including, but not limited to, your domain names "enewsbuzz-europe.com", "enewsbuzz-japan.com", and "enewsbuzz-sports.com." If you cooperate with us, we will work with you on a phase out of your name to spare you expenses associated with an immediate change.

Please contact, or have your attorneys contact, me or my associate Carolyn Passen ((312) 902-5377) immediately to inform us of your intentions. Nothing in this letter is intended to waive, modify, or limit any rights or claims that E! may have.

We thank you for your attention to this matter, and look forward to hearing from you.

Sincerely,

Handwritten signature of Floyd A. Mandell in cursive script, followed by the initials "/cmp".

Floyd A. Mandell, Esq.

FAM:sc  
*Enclosures*

cc: Carolyn M. Passen, Esq.



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Typed Drawing

<b>Word Mark</b>	EI NEWS WEEKEND
<b>Goods and Services</b>	IC 041. US 100 101 107. G & S: entertainment services, namely, on-going entertainment news and information television programs. FIRST USE: 19960202. FIRST USE IN COMMERCE: 19960202
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	75061519
<b>Filing Date</b>	February 23, 1996
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	October 29, 1996
<b>Registration Number</b>	2032128
<b>Registration Date</b>	January 21, 1997
<b>Owner</b>	(REGISTRANT) EI Entertainment Television, Inc. CORPORATION DELAWARE 5750 Wilshire Boulevard Los Angeles CALIFORNIA 900363209
<b>Attorney of Record</b>	LISA BERGER
<b>Prior Registrations</b>	1645541;1645542;1778119;AND OTHERS .
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "NEWS WEEKEND" APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	SERVICE MARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20070403.
<b>Renewal</b>	1ST RENEWAL 20070403
<b>Live/Dead Indicator</b>	LIVE



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# E! News

<b>Word Mark</b>	E! NEWS
<b>Goods and Services</b>	IC 041. US 100 101 107. G & S: Entertainment in the nature of television news shows; News agencies, namely, gathering and dissemination of news; Providing news in the nature of current event reporting. FIRST USE: 20050300. FIRST USE IN COMMERCE: 20050300
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Trademark Search Facility Classification Code</b>	LETS-1 E A single letter, multiples of a single letter or in combination with a design NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters,puncluation and mathematical signs,zodiac signs,prescription marks
<b>Serial Number</b>	77138040
<b>Filing Date</b>	March 22, 2007
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	August 14, 2007
<b>Registration Number</b>	3323712
<b>Registration Date</b>	October 30, 2007
<b>Owner</b>	(REGISTRANT) E! Entertainment Television, Inc. CORPORATION DELAWARE 5750 Wilshire Blvd. Los Angeles CALIFORNIA 90036

**Prior Registrations** 2032128  
**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "NEWS" APART FROM THE MARK AS SHOWN  
**Type of Mark** SERVICE MARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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# EXHIBIT E

March 4, 2008

**By E-mail and First-Class Mail**

Floyd A. Mandell, Esq.  
Katten Muchin Rosenman LLP  
525 W. Monroe Street  
Chicago, IL 60661-3693

Re: Allegations Relating to E! News and E! News Weekend Trademarks

Dear Mr. Mandell:

We represent enewsbuzz, which operates the Internet-based "blog" [www.enevsbuzz.com](http://www.enevsbuzz.com). We write in response to your letter of February 1, 2008, concerning allegations that enewsbuzz infringes rights of your client E! Entertainment Television, Inc. ("E!") in the E! News and E! News Weekend trademarks for entertainment news television programs.

Based upon our review of your allegations, we believe that any claim of infringement is unfounded. As you undoubtedly are aware, to establish a claim of trademark infringement, E! must demonstrate that enewsbuzz (a) used in commerce, (b) a reproduction, copy or colorable imitation of plaintiff's registered mark, as part of the sale or distribution of goods or services, and (c) that such a use is likely to cause confusion. See, e.g., Gruner + Jahr USA Publ'g v. Meredith Corp., 991 F.2d 1072, 1075 (2d Cir. 1993). Putting aside the validity of E!'s trademark registrations, which we will surely examine should this matter proceed, we do not believe that E! can demonstrate any of these elements.

First, as noted above, enewsbuzz is a blog that contains a running update of information on entertainment, fashion and lifestyle. No goods or services are offered for sale on the site. Second, your client's disclaimers before the Trademark Office make clear that the distinctive aspects of the marks are limited to "E!". This is a weak mark comprised of a common basic letter and punctuation that are descriptive of your client's television broadcasting services. Finally, there is no likelihood of confusion because "E!" bears no resemblance to our client's enewsbuzz mark nor does enewsbuzz offer television or other broadcast services.

This letter is sent without prejudice to the rights and remedies of enewsbuzz, all of which are expressly reserved. Should you wish to discuss this matter further, please contact me.

Yours very truly,



Christopher M. Caparelli

Tel 212.880.6268  
ccaparelli@torys.com

cc: Jeff Halman, Esq.