EXHIBIT 1
National Headlines

- Link: Global Stocks Rise on Fannie, Freddie Takeover; Treasuries Drop
- Link: Millions warily watch Hanna's trek toward U.S.
- Link: As Throngs of Protesters Hit Streets, Dozens Are Arrested After Clashes
- Link: Mastermind pleads guilty in body-parts scheme
- Link: Surge in Natural Gas Cars Has Utah Driving Cheaply
- Link: Fourth 'Idol' judge a straight-shooting hitmaker
- Link: Communities Become Home Buyers to Fight Decay
- Link: War Veterans' Concussions Are Often Overlooked
- Link: IRS loses battle over taxes
- Link: Gas prices nationally drop 15 cents in 2 weeks
- Link: Border fence design blasted as causing flooding
- Link: Drilling Boom Revives Hopes for Natural Gas
- Link: Holding Out, to Last Isle, as Gulf Takes Cajun Land
- Link: 'Absurd amounts of rain' as Florida is soaked for 5th day
- Link: Powder in letter to McCain not dangerous, police say

Weather for Batavia, NY

Current Conditions:
Partly Cloudy, 15 F

Forecast:
Tue - Mostly Cloudy. Hig:
30 Low: 27
Wed - Wintry Mix. High: 3
Low: 25

Full Forecast at Yahoo! Weather
(provided by The Weather Channel)

Regional Headlines

- Link: Gov. Paterson plans at least 4 upstate forums, including one in Rochester from Democrat & Chronicle
- Link: Group says New York's Legislature 'still broken,' provides suggestions from Democrat & Chronicle
- Link: Empire Games may be downsized from Buffalo News
- Link: City's charter review panel plans first session of 2008 tonight from The Daily News
- Link: 80 Guardsmen return home from Buffalo News

Who's new

- former_bataviant
- narflouise
- Spitz1957
- dt
- sparky

Recent comments

- Q Actually, town residents...
  by Charlie Mallow
- Q My heart breaks every day...
  by Laura Russell Re
Bush under attack

I have been to hundreds of press conferences in my life and have never seen anything like this.
Who's new

ny15      candiceann
Beth Garlock    Adama
NJ Sloan212

Recent comments

Used the FREE Wi-Fi at Hot...

I might be able to see... No problem Ben...

Like Andrew Zimmerman, yes...

Thanks Chad, we really enjoy...

I'm glad Chris posted, I've...

Thank you for your response...

no Dan not bitter at all, but...

Chris, that sounds great.....

Hiking-I chose snowshoeing...

Featured Topics

- Outdoors
- Recipes
- Music
- Agriculture
- Schools
- Health

Link: Carbon Dioxide (No S.U.V.'s)
Detected on Distant Planet

Link: Senate recount: Pendulum swings to Franken

Link: Pakistan Has Enough Mumbai Evidence to Act, Rice Says
Link: Pakistan offers 'joint investigation' into Mumbai attacks

Link: Dow hears recession, and cringes

Link: Thai court find election fraud, bans ruling political party

Link: Auto Executives Return to Congress to Plea for $25 Billion in Loans

Link: Deep Discounts Draw Shoppers, but Not Profits

Link: World Falls for American
Media, Even as It Sours on America

Login or register to post comments

**Link: Mumbai cemetery won't bury gunmen**

Login or register to post comments

**Link: Black Friday Sales Rose, But More Discounts Loom**

Login or register to post comments

**Link: Pakistan blames 'non-state actors' for attacks**

Login or register to post comments

**Link: Gas prices drop record amount**

Login or register to post comments

**Link: Police Review Video From Wal-Mart Death**

Login or register to post comments
World Headlines

- Link: Hurricane Ike Smashes West Through Caribbean
- Link: Fresh India nuclear talks begin
- Link: Cheney supports NATO membership for Georgia
- Link: In Japan, a Leadership Vacuum
- Link: Millions Are Displaced by Floods in India
- Link: Tropical Storm Gustav dumps rain on Haiti
- Link: Mugabe 'to form government alone'
- Link: Hijacked plane passengers released
- Link: Parliament wants Russia to recognize independence of South Ossetia, Abkhazia
- Link: Pakistani stability hope fades with coalition split
- Link: Russia warns Moldova against "Georgian mistake"
- Link: US Military to Investigate Claims of Afghan Civilians Killed in Airstrike
- Link: Bhutto's Husband Emerges As A Favorable Candidate For Pakistan President
- Link: Bombings rock Pakistan ahead of elections
- Link: Russian troops ignore West to continue occupation
Chris: You nearly did!
Thanks...

Lazario: I agree. Most...

Laz, Did you call the Town of...

When it comes to coffee, ...

Featured Topics

- Outdoors
- Recipes
- Music
- Agriculture
- Schools
- Health
Political Headlines

- Link: Palin plunges into the fray
- Link: McCain fought money on teen pregnancy programs
- Link: Gustav prompts cancellation of speeches by Bush and Cheney at GOP convention
- Link: Choice of Palin is Bold Move by McCain, With Risks
- Link: Clinton Delivers Emphatic Plea for Unity
- Link: For Obama, a Challenge to Clarify His Message
- Link: Kennedy Tugs at Hearts, as Obama's Wife Praises Values
- Link: Biden, with a proclivity to talk, is noted for his consensus-building and style
- Link: Democrats set stage for historic convention in Denver
- Link: Anxious Party Hopes to Show Strong Obama
- Link: Obama Chooses Biden as Running Mate
- Link: Suspense and 'Seven' On the Campaign Trail
- Link: Obama's Ads in Key States Go on Attack
- Link: The Lingering What-If Question: Clinton?
When it comes to coffee, I...
by C. M. Barons

http://www.thebatavian.com/bl...
by Brian Hillabush

Wow, great story. Of course...
by Brian Hillabush

So far all I have heard is...
by Paul McCullough

Taking away the blotter would...
by Iazario Ladou

What happened to the kitchen?...
by Iazario Ladou

WE heavily debated this last...
by DOUGLAS MCCLURG

The Batavia Lions Club...
by Paul Spiotta

Richard, the mere act of...
by Howard Owens

Featured Topics

- Outdoors
- Recipes
- Music
- Agriculture
- Schools
- Health
EXHIBIT 3
Phillips Candy House

Since 1925, our family has handcrafted chocolates and confections in small batches.
www.bostonchocolates.com

NEWS RESULTS

1-10 of 164 results for Boston

Bankruptcy & Real Estate
Bankruptcy & Real Estate
Providing superior legal services in Bankruptcy law, including
Chapter 7, Chapter 13 and
Chapter 11. Let us assist in
giving you a Fresh Start.
www.mlawfirm.com

WICKED LOCAL Advertising
Wicked Local Advertising
Get the most local Marketing
Center to help you reach your
target customers. Creating
custom ads is easy as 1, 2, 3.
Advertise here to begin!
Click here to learn more.

Home Town Stores
Over 330,000 products in over 40
workplaces, you'll find that we
have one of the widest selections
of Ace Hardware & Universal
Office Supplies.
www hometownstores.com

Save 66% Clearance Sale
Coolmax Socks 6 for $23 Retail
40% off! 27 years of Low Price & Top Quality.
www.socksbyforty.com

Bride Wanted!
Searching for a bride in need of
wedding planning services willing
to take a discount.
www.youmarryme.com

Your .com

Boston Globe - Business News
Boston Globe

Boston Globe - City/Region News
Boston Globe

Boston Globe

Former Boston police officer Robert "Kiko" Puddo says he was pumped full of steroids when he
suggested to undercover agents in Atlantic City that he knew a goad war to transport cocaine into
Boston.

Home Town Stores
Governor Deval Patrick has nominated a state court judge, an appellate lawyer,
and a
Boston

Barack Obama is having an easy time beating John McCain in Boston, with 34 percent of the vote
counted, 26 percent cast ballots for Obama while McCain has picked up only 25 percent of the
vote.

Boston Globe

Barack Wind developer pulls plug for oil-powered plant

After months of tempestation by many of the same environmentalists who have cheered his Cape
Wind project, Boston energy entrepreneur Jim Gordon abandoned his plan yesterday for an
oil-powered power plant in Chelsea.

Boston Globe

Advisors seek hardship status for Ipadate

Worried about the state's orogen, off-shore proposal to use Esplanade land for a temporary
rampway, Boston residents and park advocates are asking the city to designate the Charles River
waterfront a landmark.

Boston Globe

Page 1 of 171 next
### Real Estate Jobs

**Bride Wanted**

Searching for a bride in need of wedding planning services willing to take a chance.

### Businesses

**Company says it will open facility in South Boston**

Comcast Corp. replied this week to Boston Mayor Thomas M. Menino's complaint that the company had moved call center jobs to Waltham, in an apparent violation of its license with the city. Comcast said it plans to:

- Residential
- Commercial

**Cape Wind developer pulls plans for oil-powered plant**

After months of denunciation by many of the same environmentalists who have cheered his Cape Wind project, Boston energy entrepreneur Jim Gordon abandoned his plan yesterday for an oil-fired power plant in Chelsea.

**Interstates seek landmark status for landscapes**

Worried about the state's plans to use Interstate land for a temporary landfill, Boston residents and park advocates are asking the city to design a Thomas River Waterfront Park.

**Five banks of Islamic charity go on trial**

Defiant lawyers opened yesterday not to be swayed in a trial that will involve much at stake, Muslim holy warriors, and an external community. They say that three former leaders of a subset Boston banked in.

**Lexington firm is still getting warmed up**

Like their customers, Dirks Oil Corp. executives John W. Maloney and David Eagle are wondering whether there will be any relief this heating season from escalating oil prices.
I'm here all week: folks ... Don't forget to tip your waiter!

Posted on October 26, 2007 by Peter Chianca
Filed Under: [Categories]

Boston.com clarification of the week:

Clarification: A story in yesterday's Nation pages about Mitt Romney mixing up Barack Obama and Osama bin Laden said that Fox News Channel president Roger Ailes had previously used the similarity between the names Osama and Obama to mock the senator. Fox News says Ailes was making a joke aimed at President Bush, not Obama, when Ailes said in a speech to broadcast executives in March: "And it is true that Barack Obama is on the move. I don't know if it's true that President Bush called Musharraf and said, 'Why can't we catch this guy?'"

Say what you will about the coverage, but you have to admit that it's rare for a clarification to have such killer material.

Comments

Leave a Reply

Name (required)

Email Address (required)

Website

Recent Comments

Bailout 2008, a poem by David Jeffrey
Like a bloodied warrior, laying...

I love the movie!!!!!!

funny John according to public records you have a similar

the fire department never said seeing his helmet was an
EXHIBIT 4
I looked at the site and didn’t see any of our content. Can specific examples be provided.

Also note that headline, a few graphs and a link back to our site isn’t a Creative Commons issue, but a fair use issue, and they would probably win on that one.

Compare what we do with thebatavian.com.

I would like to review examples, however. The no credit thing could be an issue as a violation of Fair Use. The photo issue would probably fall within Creative Commons.

H.

On 10/2/08 4:53 PM, "Corbitt, Sarah" <scorbitt@wickedlocal.com> wrote:

Howard:

See the description below of how a famboogle site is using our content. Isn’t this a violation of our Creative Commons license for non-commercial use?

Sarah
and things like local arts happenings that we receive from press releases.

To famboogle's credit, they are only reprinting a few grafs and then providing a link to our Web site for the full story.

NOTE: The Arlington Advocate's name does not appear anywhere on this site. Original stories are not not given a byline. Photos are not credited. I was never contacted and made aware that they would be doing this.

Also, it is my understanding that [redacted], a community journalist in Arlington who manages yourarlington.com, is tangentially involved with famboogle, but it's not clear to me how. Oddly enough, none of [redacted]'s original stories are posted on this site, only blurbs or press releases.

Here is a link to a basic description of famboogle: [http://www.yourarlington.com/joomla/content/view/1305/205/][1] <BLOCKED>http://www.yourarlington.com/joomla/content/view/1305/205/</BLOCKED>. 

If you are interested in looking more closely at famboogle, please feel free to use the account information I've set up:

email: [redacted]@yahoo.com <BLOCKED>[email protected]</BLOCKED>

password: [redacted]

Thanks,

Nicole

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Howard Owens
Director of Digital Publishing
Gatehouse Media, Inc.
www.gatehousemedia.com
howens@gatehousemedia.com
office: 585-598-0052
mobile: 585-260-6970
AIM: hbo3

GMI-Z1-00678 CONFIDENTIAL
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EXHIBIT 5
Well, I've been waiting for Anne to be available for a phone call ... Maybe with Kirk.

CC wouldn't really apply here anyway -- it's more like the issue with Topix.

Fair use to grab headlines and links.

I'd be inclined to call Bob Kempf first, but I don't want to get out in front of Anne or Kirk.

H.

On 11/10/08 1:48 PM, "Blevins Bill" <bblevins@exch.gatehousemedia.com> wrote:

> why not call and tell Kathleen that creative commons doesn't allow
> content to be used on commercial sites.
> >
> > /b
> >
> > --
> >
> > On Nov 10, 2008, at 1:47 PM, Howard Owens wrote:
> >
> >>>>> Kathleen Skerry
> >>>>> Senior Marketing Manager | Boston.com
> >>>>> kskerry@boston.com
> >>>>> (o) 617-929-8464
> >>>>> (c) 781-504-1636
> >

-----
Howard Owens
Director of Digital Publishing
Gatehouse Media, Inc.
EXHIBIT 6
Hello Anne:

Thanks for your email. I will try to reach out to you today (Friday) in the afternoon, or on Monday.

Best regards

Alex
Master Famboogler

---

Mr. [most appropriate other Famboogler],

I am responsible for GateHouse Media’s Wicked Local sites, which include Wicked Local Arlington. I would like to speak with you at your earliest convenience about Famboogle’s use of copyrighted GateHouse content on your Arlington site.

We have no objection to Famboogle — or any other website — posting a headline and a line or two of text from a GateHouse story, so long as it is properly credited and links back to our site for the complete story. I can certainly foresee that, in the future, we might want to do the same with Famboogle stories.

Further explanation seems best left to conversation. I can be reached at the below numbers. Or, if you provide me with a number and time to call, I can call you.

Many thanks,

Anne

Anne Eisenmenger
Vice President of Audience Development
GateHouse Media New England
781-433-6750 (office)
617-835-4257 (cell)
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EXHIBIT 7
All good points. I’m not sure I would necessarily mention Walmart by name, but refer to those “Big Box Retailers”. Not a huge deal either way. I like reinforcing the Globe’s regional perspective. I think I’d also talk about the fact that the Globe clearly sees the original Newton news we generate as quality and relevant since our stories are typically their leads. So why go there, when you can get it first at WLNorton.com.

Robin Lorenzen  
GateHouse Media New England  
Vice President Marketing & Promotions  
Publisher Specialty Products  
254 Second Ave.  
Needham, MA 02494  
508-626-4131  
rlorenzen@cnc.com

I like these points very much. You have plenty to work with. Just remember, talk about our wonderful employees (and they are). Talk about our investment in training, tools, cameras, video—all representative of our commitment to covering our communities best we can.

I think it’s OK to say, if pressed, that indeed everybody seems to be asking us how we feel about The Globe leveraging our content to this extent. I’d probably say, well, personally, “thankful” doesn’t quite seem appropriate.

Kirk
Greg,

I, myself, would try to pepper these points in around a theme that would talk more about our long-standing, deep and intimate relationship with the people, businesses and institutions of Newton. I think Newton can be accurately portrayed as having a well-functioning and high level of civic engagement and community pride, and through the TAB and WLNewton, we have been the honest broker where a lot of that engagement is played out. You are 100% correct that a journalistic enterprise that's predicated upon parroting the original reporting of others is deeply flawed, but I also think we (you, actually) can portray a confidence that the people of Newton are wise and know the difference between "their" newspaper / website, based on 30 years of publication, and who-knows-how-many thousands upon thousands of stories written, pictures taken, letters published, etc. I would also not be afraid to give the Globe a bit of credit for what they are: One of the best regional Metro newspapers in the country. The Globe itself has a lot of "brand equity" in Newton (and towns like it), and while we can and should sting them for this kind of cheap and dirty pool they are playing in Newton with our content, I do think that reinforcing the position they have, and probably will have until they fold - a solid REGIONAL newspaper - is no skin off our teeth. In fact, a well-worn concept in marketing is that the best brands "own" a word or short phrase, we want to own local news" when people in Newton and other towns think about the name "TAB". Conversely, if the Globe "owns" regional news, it reinforces the position that we don't mind having as long as it's not "local".

If they have something ORIGINAL, and high-quality to add to the Newton news "stew", it's a good development, and I think we can say it (even if we absolutely HATE it). The worst way for us to potentially act (in my opinion) is "scared", and if ANY of us gets too strident, I think that might be mistaken for fear. We have to both act like the local market leader, AND work like Hell to kill the Globe's Newton baby in the cradle, but that's a deed that is better off done by our actions vs. our words.

Again, part of what works is the words being your own and seems as totally heart-felt. If you want to use any of these thoughts - great. If they don't feel natural to you, don't.

Rick

---

From: Reitman, Greg  
Sent: Wednesday, November 19, 2008 11:09 PM  
To: Davis, Eric; Daniels, Rick; Lorenzen, Robin  
Subject: WGBH talking points

Kirk, Rick and Robin:

Here's the talking points I hope to hit during my interview tomorrow afternoon with WGBH's Greater Boston.

Any suggestions? Too strong?....

I'm a fan of the good old days when news rooms competed with each other by out-hustling each other for the best stories, not by sitting in an office in Dorchester and hyper-linking to your competitor's hard work.

The bottom line is this is very bad for journalism. On any given day, the Globe is linking to maybe 10 of our Newton stories. If they expand to 100 of the communities we serve, suddenly they could be lifting 1,000 stories a day from our reporters. That's not good for the future of journalism.
The Globe is like Wal-Mart. One day they came along and decided to open a department called "Newton." But we're more like this famous store in Newton called the Shoe Barn. For decades, everybody has been buying their shoes and their kids shoes at the Barn. And for decades those same people have been getting their news from the Newton TAB.

The Globe has failed covering Newton for years. Their Globe West section has been an embarrassment. So now they've just decided to outsource jobs to India and lift our hard work instead of doing their own reporting.

Greg Reibman
Editor in Chief, Metro Unit
GateHouse Media New England
781-433-8345
greibman@oc.com

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EXHIBIT 8
Please remove the ones in YELLOW.

Thanks.

Jonathan M. Shubow
Interactive Operations Manager
Gazette House Media New England
254 Second Avenue
Needham, MA 02494
781-433-5765 O
339-125-0646 C
781-433-7835 F
JShubow@WickedLocal.com E
www.GHMNE.com W
www.WickedLocal.com W

From: John [mailto:John@planetdiscover.com] Sent: Wednesday, November 12, 2008 6:11 PM To: Eck, Christopher; Shubow, Jonathan Subject: RE:

<table>
<thead>
<tr>
<th>News Source</th>
<th>Records</th>
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<tr>
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<td>CAPE COD TIMES</td>
<td>35</td>
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<td>CBS4 - BOSTON</td>
<td>3</td>
</tr>
<tr>
<td>DUXBURY REPORTER</td>
<td>0</td>
</tr>
<tr>
<td>OLD COLONY MEMORIAL</td>
<td>0</td>
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<td>PATRIOT LEDGER &amp; BROCKTON ENTERPRISE</td>
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<td>TownOnline Blogs: Somerville Blog</td>
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<td>10</td>
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<td>TownOnline Blogs: Watertown Blog</td>
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<td>TownOnline Blogs: Your Town Tonight</td>
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</tbody>
</table>

GMI-Z1-000038

12/26/2008

CONFIDENTIAL
On November 12, 2008, Shubow, Jonathan (jshubow@wickedlocal.com) sent an email to Eck, Christopher (ceck@wickedlocal.com) asking to discontinue aggregating outside news content and kill it off asap. The email was forwarded to Shubow, Jonathan (jshubow@wickedlocal.com) with the subject line "Can you please discontinue to aggregate outside news content for us and kill it off asap??"

The email is as follows:

"Can you please discontinue to aggregate outside news content for us and kill it off asap??"

Thanks,

Jonathan M. Shubow
Interactive Operations Manager
GateHouse Media New England
254 Second Avenue

GMI-Z1-000039

12/26/2008

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Q. Through the lawsuit you filed, are you attempting in any way to protect your business model that you execute through the Wicked Local websites?

MR. EVANS: Objection to form.

Q. I mean, and I think when you talk about aggregation or "full-fledged," those are things that you know, he would have to interpret exactly what he meant.

Q. Does -- or do the Wicked Local websites aggregate news from other sources?

MR. EVANS: Form.

Q. What exactly do you mean by "aggregate"?

A. It's a very broad question.

Q. Let me narrow it. Would you agree that the filing of this lawsuit was one action taken to make sure the Globe fails in Newton?

MR. EVANS: Form.

Q. Do they link to news stories on other websites?

A. Yes.

Q. And has the practice of linking to other websites' news stories changed at all within the last few months?

MR. EVANS: Form.

A. I guess you have to understand, we have approximately 400 different -- 450 different people that work in our news organization in Massachusetts, and clearly, in any given time, given the level of experience, you could find an editor in one region that might do something and an editor in another region do something different. There isn't, to my knowledge, an overarching opposition to linking to other content. It's about how it's done.

Q. And with respect to how the linking is done, are you aware of any changes in GateHouse Media New England's practices or policies in that regard within the last three months?

MR. EVANS: Form.

A. I'm trying to protect our company.

Q. I understand that. Do you understand what I mean by "business model"?

A. No, not specifically. There are a lot of facets to our business model.

Q. Again with reference to the first page of Exhibit 3: Mr. Reibman says he just spoke with someone who attended a rollout meeting in Newton with the Globe last week, and then referring below to the invitation, it's addressed to a Mr. Reibman. Do you know who this Mr. Reibman is that apparently is the person that Mr. Reibman spoke to?

A. No.

Q. Mr. Reibman apparently said to Mr. Reibman, if you look at the third paragraph, quote, "He said the site will be a full-fledged aggregator of all things Newton. They admitted they'd be using material from Wicked Local Newton and the TAB blog heavily."

A. No. I don't know specifically what he meant, and I think when you talk about aggregation or "full-fledged," those are things that you know, he would have to interpret exactly what he meant.

Q. What was the interests you were trying to protect through the filing of this lawsuit?

A. They include our copyright, trademark, and the nature of the competition, which we allege is unfair -- among possibly other things, but....

Q. When you just mentioned possibly other things, what did you have in mind?

A. Well, you know, I'm not a lawyer, and there are a lot of technical definitions to characterize these different concerns.

Q. Through the lawsuit you filed, are you attempting in any way to protect your business model that you execute through the Wicked Local websites?

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MR. EVANS: Form.

Q. Do they link to news stories on other websites?

A. Yes.

Q. And has the practice of linking to other websites' news stories changed at all within the last few months?

MR. EVANS: Form.

A. I guess you have to understand, we have approximately 400 different -- 450 different people that work in our news organization in Massachusetts, and clearly, in any given time, given the level of experience, you could find an editor in one region that might do something and an editor in another region do something different. There isn't, to my knowledge, an overarching opposition to linking to other content. It's about how it's done.

Q. And with respect to how the linking is done, are you aware of any changes in GateHouse Media New England's practices or policies in that regard within the last three months?

MR. EVANS: Form.

A. I'm trying to protect our company.

Q. I understand that. Do you understand what I mean by "business model"?

A. No, not specifically. There are a lot of facets to our business model.

Q. Again with reference to the first page of Exhibit 3: Mr. Reibman says he just spoke with someone who attended a rollout meeting in Newton with the Globe last week, and then referring below to the invitation, it's addressed to a Mr. Reibman. Do you know who this Mr. Reibman is that apparently is the person that Mr. Reibman spoke to?

A. No.

Q. Mr. Reibman apparently said to Mr. Reibman, if you look at the third paragraph, quote, "He said the site will be a full-fledged aggregator of all things Newton. They admitted they'd be using material from Wicked Local Newton and the TAB blog heavily."

A. No. I don't know specifically what he meant, and I think when you talk about aggregation or "full-fledged," those are things that you know, he would have to interpret exactly what he meant.

Q. Does -- or do the Wicked Local websites aggregate news from other sources?

MR. EVANS: Form.

Q. What exactly do you mean by "aggregate"?

A. It's a very broad question.

Q. Let me narrow it. Would you agree that the filing of this lawsuit was one action taken to make sure the Globe fails in Newton?

MR. EVANS: Form.

Q. Do they link to news stories on other websites?

A. Yes.

Q. And has the practice of linking to other websites' news stories changed at all within the last few months?

MR. EVANS: Form.

A. I guess you have to understand, we have approximately 400 different -- 450 different people that work in our news organization in Massachusetts, and clearly, in any given time, given the level of experience, you could find an editor in one region that might do something and an editor in another region do something different. There isn't, to my knowledge, an overarching opposition to linking to other content. It's about how it's done.
Q. And what do you recall about that dialogue?

A. That they wanted to disable the application.

Q. And when you say "they," who are you referring to?

A. Our online management team.

Q. Mr. Eck, Mr. Shubow?

A. Yes, certainly Chris Eck. I don't recall talking to John Shubow.

Q. Does Mr. Shubow report to Mr. Eck?

A. No.

Q. It identifies Mr. Shubow as interactive operations manager out of Needham. Is he in Mr. Eck's department? Or could you describe his job function?

A. I couldn't describe his job function, but he works for Anne Eisenmenger.

Q. I don't see Ms. Eisenmenger copied on any of these emails, either. Do you know why in this instance the communications were between and among Mr. Eck and Mr. Shubow?

A. It was apparent that they felt it was going to be a potential distraction from the issue or concern that we would have with what we were learning about the Globe is doing.

Q. When you say it would be an issue or distraction, in fact some of your sites were aggregating news in the same way that you were complaining about what boston.com was doing; correct?

MR. EVANS: Form.

A. Could you repeat the question?

Q. Sure.

MR. BAGLEY: Can you read it back.

(Question read.)

A. Our concern with what boston.com was doing is that they're corroding our leads and our headlines...

1 in a competitive business model to pursue our advertisers and our readers in a specific town. I mean, that's the nature of the concern with what boston.com's doing. This is a search function.

Q. Well, let's look at the first email, the next-to-last page of this exhibit, at the bottom, from Mr. Shubow to [redacted] cc'ing Mr. Eck. And [redacted] an employee at Planet Discover; correct?

A. I assume so.

MR. EVANS: Don't assume.

THE WITNESS: Okay.

Q. Understood, you weren't involved in this.

A. Yes.

Q. Does Mr. Shubow report to Mr. Eck?

A. I assume so.

MR. EVANS: Form.

Q. Right. It's talking about the aggregation of news content. Correct?

A. What we were disabling is a search function.

Q. That's your understanding of what was under discussion in these emails; correct?

A. Yes.

Q. Turning to the first page of Exhibit 4, again still on Wednesday, November 12th, 6:11 in the evening: Mr. [redacted] at Planet Discover emails back to Mr. Shubow and Mr. Eck and identifies a number of news sources. Do you see that?

A. Yes.

Q. And the third news source down is boston.com, indicates in the right-hand column 151 records. Do you see that?

A. Yes.

Q. And the third news source down is boston.com, indicates in the right-hand column 151 records. Do you see that?

A. Yes.

Q. And do you know what's meant by that?

A. No.

Q. Is it my understanding that what boston.com was doing is that they're corroding our leads and our headlines...
Q. You did say, however, that the timing of 
this exchange on November 12th and November 13th was 
in connection with your contemplation of taking 
action against boston.com; correct?

A. It was in the timeframe when we were 
learning about the developments with boston.com and 
trying to determine how to respond, yes.

Q. And within that context do you recall 
Mr. Eck bringing up the subject of what Planet 
Discover was doing for GateHouse?

A. I don’t.

Q. Do you recall how you learned that this 
practice was being engaged in by GateHouse Media 
with Planet Discover?

MR. EVANS: Form.

A. I’ve been aware of the search functionality 
of Planet Discover and Google long before, you know, 
this issue arose. So I’m aware of what, you know, 
search functionality is and what Planet Discover 
does and what Google does.

Q. Okay. Were you aware, in addition to 
knowing what they did, that in fact GateHouse Media 
was using Planet Discover to provide that 
functionality to some of its websites?

A. I was aware that we used Planet Discover 
for search.

Q. And what is your understanding of the 
search functionality that Planet Discover was 
providing to GateHouse Media?

A. That you could query a subject and receive 
content related to that query.

Q. Do you know, could you specifically do a 
news search like, for example, you can on Google -- 
a news search, as opposed to a broader Internet-
based search?

MR. EVANS: Form.

A. Yes, my understanding is that you could 
search news items.

Q. And was there a -- strike that. Before Mr. 
Shubow sent his email on November 12th to Planet 
Discover asking them to discontinue to aggregate 
outside news content for GateHouse, was there a 
discussion internally concerning what Planet 
Discover was doing and how that might impact what 
GateHouse wanted to do with respect to boston.com?

A. Could you repeat that?

MR. BAGLEY: Could you read that back, 
please.

FARMER ARSENAULT BROCK LLC
Q. From the context. Do you know of any other globe that would possibly be your No. 1 competition?
A. Not at all.
Q. And would you agree with Mr. Reibman's statement here that GateHouse Media New England considers the Boston Globe your No. 1 competition?
A. I consider them a major competitor.
Q. Is there anyone you consider to be a more major competitor?
MR. EVANS: Objection to form.
A. I consider the other print media, the community papers that we compete with head to head in a given town, the Herald, radio, TV, websites. But the Globe's a major competitor.
Q. But you take issue with identifying them as your No. 1 competition?
MR. EVANS: Form.
A. I just think they're a major competitor.
Q. Are you familiar with a website under the domain Fambaogle.com?
A. I'm not familiar with it.
Q. Have you ever seen any internal emails at GateHouse Media concerning the subject of Fambaogle.com?
A. I recall the name, seeing the name on a document Monday, just because the name was so, you know, memorable.
Q. Understood.
MR. BAGLEY: Let's mark as Exhibit 6 a series of documents bearing plaintiffs production numbers 685 through 688.
(Exhibit 6, GMI-Z1-00685 through 00688, marked for identification.)
A. Does this start from the back, too?
Q. Yes.
A. Okay.
Q. Is this the document that you referenced earlier having reviewed on Monday for the first time?
A. I can't recall.
Q. In any event, the subject under discussion in this email exchange is something that had not been brought to your attention prior to this week; is that correct?
A. Correct.
Q. When you were contemplating bringing this lawsuit and in your internal discussions alluded to
EXHIBIT 10
Just spoke with someone who attended a roll out meeting in Newton with the Globe last week. (the invitation is below)

About 50 people were there, including advertisers, active participants on the TAB's blog and some city officials.

He said the site will be a full fledged aggregator of all things Newton. They admitted they'd be using material from Wicked Local Newton and the TAB blog heavily. They will have two FTE's dedicated to reporting/covering Newton (we have one reporter). He didn't know how they were planning to post our content but did say their site would offer and opportunity to discuss our content.

The prototype they showed included 10 locations for "postage stamp" ads priced at $199 monthly; a larger ad that looked like about 4X4 for $500 monthly and a top banner ad (he didn't know the price).

For those in Fairport, Newton is our top performing GHNE weekly, an affluent city of 70,000 just bordering Boston.
My suggestion would be for us to do all we can to make sure the Globe fails here before they roll this out to other communities.

Here's the invitation:

---

```
Mr. Eck,
Boston.com is pleased to announce our new Newton website and to invite you to share your thoughts and ideas about this exciting new venture.

While we continue to bring the best local news and information to all of greater Boston, we believe that bringing our resources to bear on local communities we can provide the widest scope of news and information, a comprehensive calendar of events, powerful search tools, complete local business information
```

GMI-Z1-00426 CONFIDENTIAL
and a vibrant web community.

Because you are an active voice in the Newton community, we'd like to know what you think. We're hoping you can join us and other voices from Newton for an open meeting where we can give you a first look at the new site, hear your thoughts and feedback and discuss how our site can better serve your local needs.

We hope that you will be able to attend.

Date: Friday, November 7, 2008
Time: 11:00 A.M. - 12:30 P.M.
Location: War Memorial Auditorium
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

Please RSVP to Kathleen Skerry (kskerry@boston.com or 617-929-8464) by November 5, 2008.

Regards,

Kathleen Skerry

Kathleen Skerry
Senior Marketing Manager | Boston.com
kskerry@boston.com
(c) 817-929-8464
(c) 781-804-1638

From: Eck, Christopher
Sent: Monday, November 10, 2008 8:51 AM
To: Relbman, Greg; Warren, Cris; Corbitt, Sarah
Cc: Davis, Kirk; Daniels, Rick; Sheehan, Gayle; Cohen, Mark; Eisenmenger, Anne
Subject: Boston.com Newton Hyperlocal Website Launch November 14th
Importance: High

Good Morning:

Below you will find a few links regarding the local online strategy the Globe is launching on the 14th of November. They will be launching the first site in Newton and rolling out additional communities from there. I hear the roll out will be slow for future towns until early 2009.

http://www.universalhub.com/node/21436
http://theguardiancity.net/?a=node/921
http://www.boston.com/yourown/newton/　

If you happen to hear anything else would you mind passing it along?

Thanks,

Chris

Chris Eck | Director of Online Sales
GateHouse Media New England
p. 781.433.6751
c Eck@wickedlocal.com
www.GateHouseNewEngland.com

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**The New York Times.**

**Trademark Registration Details:**

- **Word Mark:** THE NEW YORK TIMES.
- **Mark Drawing Code:** (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
- **Serial Number:** 71243450
- **Filing Date:** January 27, 1927
- **Current Filing Basis:** 1A
- **Original Filing Basis:** 1A
- **Registration Number:** 0227904
- **Registration Date:** May 17, 1927
- **Owner:** (REGISTRANT) NEW YORK TIMES COMPANY, THE CORPORATION NEW YORK 229 W. 43 ST. NEW YORK NEW YORK 10036

**Renewal Details:**
- **Attorney of Record:** Jordan A. LaVine
- **Type of Mark:** TRADEMARK
- **Register:** PRINCIPAL
- **Affidavit Text:** SECT 12C. SECT 15. SECTION 8(10-YR) 20070209.
- **Renewal:** 4TH RENEWAL 20070209.
EXHIBIT 12
The New York Times

THE NEW YORK TIMES
IC 042. US 100 101. G & S: computer on-line services, namely, providing a wide range of general interest news and information via a global computer network. FIRST USE: 19960119. FIRST USE IN COMMERCE: 19960119

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

75055911
February 9, 1996
1A

1A

September 23, 1997
2120865
December 16, 1997
(REGISTRANT) NEW YORK TIMES COMPANY, THE CORPORATION NEW YORK 229 West 43rd Street New York NEW YORK 10036

Jordan A. LaVine
0227904
SERVICE MARK
PRINCIPAL
<table>
<thead>
<tr>
<th>Affidavit Text</th>
<th>SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20070713.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Renewal</td>
<td>1ST RENEWAL 20070713</td>
</tr>
<tr>
<td>Live/Dead</td>
<td>LIVE</td>
</tr>
<tr>
<td>Indicator</td>
<td></td>
</tr>
</tbody>
</table>
EXHIBIT 13
Record 2 out of 4

Typed Drawing

Word Mark: THE BOSTON GLOBE
Mark Drawing Code: (1) TYPED DRAWING
Serial Number: 71207561
Filing Date: January 2, 1925
Current Filing Basis: 1A
Original Filing Basis: 1A
Registration Number: 0199556
Registration Date: June 9, 1925
Owner: (REGISTRANT) GLOBE NEWSPAPER COMPANY CORPORATION MASSACHUSETTS 135 WILLIAM T. MORRISSEY BLVD. DORCHESTER MASSACHUSETTS 02125

(LAST LISTED OWNER) NYT MANAGEMENT SERVICES, INC. CORPORATION DELAWARE 2202 WESTSHORE BOULEVARD TAMPA FLORIDA 33067

Assignment Recorded
Attorney of Record: Jordan A. LaVine
Type of Mark: TRADEMARK
Register: PRINCIPAL
Affidavit Text: SECT 12C. SECT 15. SECTION 8(10-YR) 20080630.
Renewal: 4TH RENEWAL 20080630
Live/Dead Indicator: LIVE

(Use the "Back" button of the Internet Browser to return to TESS)
EXHIBIT 14
Word Mark: THE BOSTON GLOBE
Mark Drawing Code: (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number: 72108774
Filing Date: November 21, 1960
Current Filing Basis: 1A
Original Filing Basis: 1A
Change in Registration: CHANGE IN REGISTRATION HAS OCCURRED
Registration Number: 0721044
Registration Date: September 5, 1961
Owner: (REGISTRANT) GLOBE NEWSPAPER COMPANY CORPORATION MASSACHUSETTS 135 WILLIAM T. MORRISSEY BOULEVARD BOSTON MASSACHUSETTS

(LAST LISTED OWNER) NYT MANAGEMENT SERVICES, INC. CORPORATION DELAWARE 2202 WESTSHORE BOULEVARD TAMPA FLORIDA 33607
Assignment Recorded: ASSIGNMENT RECORDED
Attorney of Record: Jordan A. LaVine
Registrations 0199549;0199556;AND OTHERS
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECTION 8(10-YR) 20011113.
Renewal 2ND RENEWAL 20011113
Live/Dead Indicator LIVE
EXHIBIT 15
Word Mark: BOSTON.COM
Goods and Services: IC 041. US 100 101 107. G & S: Providing a website featuring news in the nature of current events reporting and information in a wide variety of fields generally found in daily newspapers, including news, politics, policy, sports, business, technology, entertainment, arts, leisure, travel, editorial comment, reference materials, and classified advertising, all concerning the Boston, Massachusetts metropolitan area. FIRST USE: 19950710. FIRST USE IN COMMERCE: 19950710

Serial Number: 78242369
Filing Date: April 25, 2003
Current Filing Basis: 1A
Original Filing Basis: 1A
Published for Opposition: August 24, 2004
Supplemental Register Date: May 24, 2004
Registration Number: 2903204
Registration Date: November 16, 2004
Owner: (REGISTRANT) New York Times Digital LLC LTD LIAB CO DELAWARE 500 Seventh Avenue New York NEW YORK 10018

Assignment Recorded
Attorney of Record: Jordan A. LaVine
| Registrations | 2078175 |
| Type of Mark  | SERVICE MARK |
| Register      | PRINCIPAL-2(F) |
| Live/Dead Indicator | LIVE |

TESS HOME  NEW USER  STRUCTURED  FREE FORM  BROWSER DCT  SEARCH OG  TOP  HELP  PREV LIST  CURR LIST  NEXT LIST
FIRST DOC  PREV DOC  NEXT DOC  LAST DOC

| HOME | SITE INDEX | SEARCH | eBUSINESS | HELP | PRIVACY POLICY |