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TO: Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	DEC 22 2008 U.S. PATENT & TRADEMARK OFFICE	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Northern District of Florida on the following Patents or Trademarks:

DOCKET NO. 1	DATE FILED 12/18/2008	U.S. DISTRICT COURT Northern District of Florida
PLAINTIFF MASTERCARD INTERNATIONAL INCORPORATED		DEFENDANT MICHAEL J YANDA
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 2,212,783	1,186,117	
2 2,077,221	1,267,853	***SEE ATTACHED LIST***
3 2,168,736		
4 1,890,786		
5 1,738,276		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	
	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 1,814,279		
2 1,604,606		
3 1,398,272		
4 1,365,901		
5 1,292,519		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

MasterCard International Incorporated,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2008 cv 565
)	
Michael J. Yanda, an individual,)	
d/b/a Indy Web Productions and)	
Finance Globe Portals,)	
)	
Defendant.)	
)	

NOTICE OF CLAIMS INVOLVING TRADEMARKS

Plaintiff MasterCard International Incorporated hereby provides this Notice of Claims Involving Trademarks pursuant to 15 U.S.C. § 1116(c). The following information is required to be provided to the Commissioner of Patents and Trademarks by the Clerk of the Court:

The Parties:

Plaintiff: MasterCard International Incorporated
2000 Purchase Street
Purchase, NY 10577

Defendant: Michael J. Yanda, an individual
3332 Charleston Road
Tallahassee, FL 32306

Owner: MasterCard International Incorporated
2000 Purchase Street
Purchase, NY 10577

Trademarks: U.S. Trademark Reg. Nos. 2,212,783; 2,077,221; 2,168,736; 1,890,786;
1,738,276; 1,814,279; 1,604,606; 1,398,272; 1,365,901; 1,292,519; 1,186,117; and
1,257,853.

Dated: December 18, 2008

LAW OFFICES OF DAVID P. HEALY, PL

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UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

MasterCard International Incorporated,)	
)	
Plaintiff,)	
)	
v.)	Case No. _____
)	
Michael J. Yanda, an individual,)	
d/b/a Indy Web Productions and)	
Finance Globe Portals,)	
)	
Defendant.)	
)	

COMPLAINT FOR: (1) VIOLATION OF SECTION 43(d) OF THE LANHAM ACT; (2) VIOLATION OF SECTION 32 OF THE LANHAM ACT; (3) VIOLATION OF SECTION 43(a) OF THE LANHAM ACT, FLORIDA STATUTE, SECTIONS 501.201-211 and FLORIDA COMMON LAW; (4) VIOLATION OF SECTION 43(c) OF THE LANHAM ACT and FLORIDA STATUTE SECTION 495.151

Plaintiff, MasterCard International Incorporated, for and as its complaint, alleges as follows:

PARTIES AND JURISDICTION

1. Plaintiff, MasterCard International Incorporated ("Plaintiff" or "MasterCard") is, and at all times material hereto has been, a corporation organized and existing under the laws of Delaware, with a principal place of business at 2000 Purchase Street, Purchase, NY 10577.

2. Defendant, Michael J. Yanda ("Defendant"), upon information and belief, is an individual with residence at 3332 Charleston Road, Tallahassee, Florida, 32306, doing business as Indy Web Productions and Finance Globe Portals, also at 3332 Charleston Road, Tallahassee, Florida, 32306, and is subject to the jurisdiction of this Court.

3. This Court's jurisdiction arises from the fact that: (i) this is an action brought under the Trademark Laws of the United States, 15 U.S.C. §§ 1051-1127, jurisdiction being conferred by 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338; (ii) this is a civil action in which Plaintiff and Defendant are citizens of different states and the value of the matter in controversy exceeds seventy-five thousand dollars (\$75,000) exclusive of interest and costs, jurisdiction being conferred under 28 U.S.C. § 1332(a); and (iii) certain claims are joined with substantial and related claims under the Trademark Laws of the United States, 15 U.S.C. §§ 1051-1127, jurisdiction being conferred by 28 U.S.C. § 1338(b) and 28 U.S.C. § 1367.

4. Venue is proper in this Court (a) under 28 U.S.C. §1391(a) in that, on information and belief, Defendant resides in this District, or (b) under 28 U.S.C. § 1391(b) in that a substantial part of the events or omissions giving rise to the claims occurred in this District.

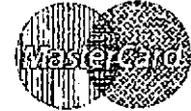
FACTS

5. For many years, and long prior to the acts of Defendant complained of herein, MasterCard, its licensees and its predecessors-in-interest have been engaged in administering and licensing its member financial institution and merchants to participate

in the MASTERCARD payment program in commerce throughout the United States under the MASTERCARD and Red and Yellow Interlocking Circles Device trademarks and service marks (the "MASTERCARD Marks").

6. MasterCard owns numerous federal registrations for its MASTERCARD Marks, including the following:

Mark	Reg. No.	Reg. Date	Goods/Services
MASTERCARD	2,212,783	Dec. 22, 1998	Magnetic encoded cards; magnetic encoded card readers; telecommunications equipment, namely point of transaction terminals; and computer software for transmitting, displaying and storing transaction, identification and financial information for use in the financial services, banking and telecommunications

Mark	Reg. No.	Reg. Date	Goods/Services
			industries.
	2,077,221	Jul. 8, 1997	Travelers cheque services, namely the administration of issuance, redemption and processing of travelers cheques.
 <p data-bbox="225 864 442 1000">This mark is lined for the colors red and yellow orange.</p>	2,168,736	Jun. 30, 1998	Travel assistance services, namely, arranging travel tours, making replacement and emergency reservations and booking for transportation.
 <p data-bbox="225 1368 442 1444">The mark is lined for the colors red and</p>	1,890,786	Apr. 25, 1995	Pens, pencils, pen stands, paper weights, letter openers, notebooks, metal book marks

Mark	Reg. No.	Reg. Date	Goods/Services
yellow.			
	1,738,276	Dec. 8, 1992	Printed matter and publications: namely, credit cards and debit cards, pamphlets, brochures, newsletters and magazines of a financial nature.
	1,814,279	Dec. 28, 1993	Financial services; namely, providing credit card, debit card, travelers cheque, travel financial assistance, cash disbursement, and transaction authorization and settlement services.
MasterCard	1,604,606	Jul. 3, 1990	Printed matter and publications, namely bank cards, pamphlets.

Mark	Reg. No.	Reg. Date	Goods/Services
			brochures, newsletters and magazines of a financial nature.
MASTERCARD	1,398,272	Jun. 24, 1986	Textile machinery, namely carding machines.
	1,365,901	Oct. 15, 1985	Services, namely, providing bank card services.
MasterCard	1,292,519	Aug. 28, 1984	Financial services- namely, assisting its members in the sale of travelers' cheques, integrated funds management programs, and money order services
MasterCard	1,186,117	Jan. 12, 1982	Financial services- namely, providing bank card services.

Mark	Reg. No.	Reg. Date	Goods/Services
	1,257,853	Nov. 15, 1983	Financial services-namely, providing bank card services.

7. All of the above-referenced registrations are valid and subsisting. All of the above-referenced registrations are also incontestable in accordance with 15 U.S.C. §§ 1064 and 1115(b), and are conclusive evidence of the exclusive right to use the MASTERCARD Marks in connection with the registered goods. 15 U.S.C. § 1115(b).

8. In addition to its trademark registrations, MasterCard has registered numerous domain names containing the name and mark MASTERCARD or variants thereof, including, *inter alia*, "MASTERCARD.COM", "MASTERCARD.NET", "MASTERCARD.ORG", "MASTERCARDONLINE.COM", "MASTERCARDONLINE.NET", and "MASTERCARDONLINE.ORG". The earliest of these registered domain names, "MASTERCARD.COM", was registered on July 27, 1994, long prior to Defendant's registration of the Infringing Domain Names.

9. MasterCard, its licensees and its predecessors-in-interest have sold many billions of dollars worth of financial services under its MASTERCARD Marks in the United States and have spent substantial sums in advertising their products and services under the MASTERCARD Marks.

10. As a result of such extensive sales and advertising, the MASTERCARD Marks have become famous in the United States, as well as internationally, and represent extraordinarily valuable goodwill.

Defendant's Infringing Activities

11. On information and belief, Defendant owns and operates a web site at <financeglobe.com> offering credit card-related goods and services, including the goods and services of MasterCard and its competitors.

12. According to the Whois database of domain name registrations, Defendant registered at least sixteen infringing domain names (the "Infringing Domain Names"), as shown in the table below. The majority of the domains are registered under the name Michael J. Yanda and the company Indy Web Productions. The domain <wwwmastercard.com> is registered under Michael Yanda, and, on information and belief, Defendant registered <applymastercard.com> anonymously.

13. Defendant registered the Infringing Domain Names well after MasterCard's adoption and registration of the famous MASTERCARD marks. The table below recites the date of registration for each of the Infringing Domain Names:

Infringing Domain Name	Date of Registration
<mastercards.com>	January 28, 2005
<internetmastercard.com>	October 29, 2004
<mastercardoffer.com>	March 27, 2005
<universalmastercard.com>	November 5, 2004
<compassbankmastercard.com>	April 1, 2006
<businessmastercards.com>	June 27, 2006

Infringing Domain Name	Date of Registration
<incomemastercard.com>	March 31, 2006
<amazonmastercard.com>	June 29, 2006
<mastercardcom.com>	November 13, 2003
<visaormastercard.com>	August 8, 2005
<gasmastercard.com>	June 16, 2004
<mastercardnow.com>	May 22, 2004
<mastercardcard.com>	June 24, 2005
<wwwmastercard.com>	March 24, 2008
<standardmastercards.com>	August 27, 2005
<applymastercard.com>	December 12, 2006

14. Thirteen of the Infringing Domain Names, namely <matercards.com>, <internetmastercard.com>, <mastercardoffer.com>, <universalmastercard.com>, <compassbankmastercard.com>, <businessmastercards.com>, <incomemastercard.com>, <amazonmastercard.com>, <visaormastercard.com>, <mastercardnow.com>, <mastercardcard.com>, <standardmastercards.com> and <applymastercard.com> resolve to Defendant's web site at <www.financeglobe.com>. Example print-outs of these web pages are shown in Exhibit A.

15. The domain <mastercardcom.com> resolves to a web page containing a link to a web page at <www.financeglobe.com>, as shown in Exhibit B.

16. The domain <gasmastercard.com> resolves to a standard domain name parking page, which contains links to other web sites offering the goods and services of MasterCard and its competitors. See Exhibit C. On information and belief, Defendant generates revenue each time consumers click through to the linked pages.

17. The domain <wwmastercard.com> is a passively held domain name which does not currently resolve to an active domain page, as shown in **Exhibit D**.

18. All of the Infringing Domain Names are confusingly similar to the MASTERCARD Marks. Fifteen of the Infringing Domain Names are confusingly similar because they incorporate the famous and distinctive MASTERCARD mark in its entirety.

19. The domain <matercards.com> is confusingly similar to the MASTERCARD Marks, as "matercards" is a close misspelling of MASTERCARD that does not serve to distinguish the domain name from the MASTERCARD Marks.

20. Defendant's use of the MASTERCARD Marks in connection with the Infringing Domain Names is likely to cause confusion and deception as to source, sponsorship, affiliation or endorsement, with MasterCard and its MASTERCARD Marks.

21. Defendant has and continues to use the Infringing Domain Names to divert Internet users from MASTERCARD'S web sites.

22. On information and belief, the Infringing Domain Names generate revenue for Defendant by directing Internet traffic to Defendant's web site, <financeglobe.com>, and linking to other finance-related web sites.

23. Defendant's aforesaid activities are without the consent of MasterCard.

Defendant's Cybersquatting Activities

24. Defendant registered, traffics in and uses Infringing Domain Names that are identical, confusingly similar to and dilutive of MasterCard's distinctive and famous marks.

25. On information and belief, Defendant's use of the Infringing Domain Names has been and continues to be made with a bad faith intent to profit from the MASTERCARD Marks.

26. Defendant uses the Infringing Domain Names to attract and divert Internet users from MasterCard's web sites to Defendant's web site for commercial gain based on a likelihood of confusion as to the source, sponsorship, affiliation or endorsement, with MasterCard and its MASTERCARD Marks.

27. Defendant registered the Infringing Domain Names with the knowledge that they are identical and/or confusingly similar to MasterCard's distinctive marks, and dilutive of MasterCard's famous marks, without regard to the goods or services of MasterCard.

28. Defendant engages in a pattern of infringing conduct, as shown by Defendant's previous registration of domain names incorporating the MASTERCARD Marks, including <keybankmastercard.com>, <newbpmastercard.com>, <orchardbankmastercard.com>, <overstockmastercard.com>, <paypassvisa.com>, <starbucksmastercard.com>, and <wwwshellmastercard.com>, among others. Plaintiff has previously undertaken action against Defendant and received favorable rulings against him under the Uniform Domain-Name Dispute-Resolution Policy (UDRP) of the Internet Corporation for Assigned Names and Numbers (ICANN), namely, *MasterCard International Incorporated v. Michael J. Yanda*, Case No. D2008-0697 (WIPO June 27, 2008); *MasterCard International Incorporated v. Indy Web Productions*, Case No. D2008-0198 (WIPO Mar. 27, 2008); *MasterCard International Incorporated v. Michael*

J. Yanda, Indy Web Productions, Case No. D2007-1140 (WIPO Oct. 8, 2007). These decisions are attached in Exhibit E through Exhibit G.

29. Defendant has a history of warehousing domain names that are identical or confusingly similar of the marks or names of others, as shown in Exhibit H, a Reverse Whois report listing approximately 367 domain names registered by Defendant including domain names incorporating in whole or in part the trademarks and names of businesses like BRITISH PETROLEUM ("BP"), VISA, MEIJER, eBAY, HILTON, SHELL, FIFTHTHIRD BANK and others.

30. Defendant does not have any intellectual property rights in the Infringing Domain Names, or any other term identical with or similar to the MASTERCARD Marks.

31. The Infringing Domain Names are not the legal name of Defendant, and are not otherwise commonly used to identify Defendant.

32. Defendant made no legitimate use of any term identical or similar to the MASTERCARD Marks before registering the Infringing Domain Names.

33. Defendant's use of MasterCard's marks in association with Defendant's web site, <financeglobe.com>, or the parking page at the Infringing Domain Names is not a *bona fide* noncommercial or fair use.

**FIRST CLAIM FOR RELIEF
(CYBERSQUATTING)**

34. MasterCard re-alleges paragraphs 1 through 33, as if fully set forth herein.

35. Defendant's actions constitute cybersquatting in violation of the Anti-cybersquatting Consumer Protection Act, Section 43(d) of the Lanham Act, 15 U.S.C. §

1125(d).

36. Defendant's acts greatly and irreparably injure MasterCard and will continue to so injure MasterCard unless restrained by this Court; wherefore, MasterCard is without an adequate remedy at law.

**SECOND CLAIM FOR RELIEF
(TRADEMARK INFRINGEMENT)**

37. MasterCard re-alleges paragraphs 1 through 33, as if fully set forth herein.

38. Defendant's acts have caused or are likely to cause confusion, mistake or deception as to the source or origin, sponsorship or approval of Defendant or his services, in that purchasers and others in this judicial district and elsewhere in the United States are likely to believe that Defendant is associated with or related to MasterCard or is authorized by MasterCard to offer financial services under the MASTERCARD Marks.

39. Defendant's acts injure MasterCard's image and reputation with consumers in this judicial district and elsewhere in the United States by creating confusion about and dissatisfaction with MasterCard.

40. Defendant's deliberate use of the MASTERCARD Marks in the Infringing Domain Names constitutes trademark infringement of the MASTERCARD Marks in violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114, and the common law of the various states.

41. Defendant's acts greatly and irreparably damage MasterCard and will continue to so damage MasterCard unless restrained by this Court; wherefore, MasterCard is without an adequate remedy at law.

**THIRD CLAIM FOR RELIEF
(UNFAIR COMPETITION)**

42. MasterCard re-alleges paragraphs 1 through 33, as if fully set forth herein.

43. Defendant's acts constitute unfair competition with MasterCard in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a), the Florida Deceptive and Unfair Trade Practices Act, Florida Statute § 501.201 et. seq., and the common law of the various states, including the State of Florida.

44. Defendant's acts greatly and irreparably damage MasterCard and will continue to so damage MasterCard unless restrained by this Court; wherefore, MasterCard is without an adequate remedy at law.

**FOURTH CLAIM FOR RELIEF
(TRADEMARK DILUTION)**

45. MasterCard re-alleges paragraphs 1 through 33, as if fully set forth herein.

46. Defendant's acts are likely to tarnish MasterCard's valuable business reputation and goodwill and are likely to blur the distinctiveness of the famous and distinctive MASTERCARD Marks.

47. Defendant's acts of dilution and tarnishment are intentional and willful.

48. Defendant's acts constitute dilution and tarnishment of MasterCard's famous MASTERCARD Marks in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c), and Florida's anti-dilution statute, Fla. Stat. § 495.151.

49. Defendant's acts greatly and irreparably damage MasterCard and will continue to so damage MasterCard unless restrained by this Court; wherefore, MasterCard is without an adequate remedy at law.

WHEREFORE, MasterCard prays:

1. That Defendant, and all persons acting in concert or participating with Defendant, be preliminarily and permanently enjoined from:
 - a) registering or maintaining any registration of the Infringing Domain Names or any other names, words, designations or symbols consisting of, incorporating in whole or part, or otherwise confusingly similar to the MASTERCARD Marks or any other trade names, trademarks or service marks of MasterCard;
 - b) using the Infringing Domain Names or any other names, words, designations or symbols consisting of, incorporating in whole or part, or otherwise confusingly similar to the MASTERCARD Marks or any other trade names, trademarks or service marks of MasterCard;
 - c) using any names, words, designations or symbols consisting of, incorporating in whole or part, or otherwise similar to the MASTERCARD Marks or any other MasterCard trademark anywhere on any web site or the web sites of Defendant,
 - d) using any names, words, designations or symbols consisting of, incorporating in whole or part, or otherwise similar to the MASTERCARD Marks or any other MasterCard trademark in any

buried code, metatags, search terms, keywords, key terms, hits generating pages, or any other devices used, intended, or likely to cause any web site or web sites of Defendant to be listed by any Internet search engines in response to any searches that include any terms identical with or confusingly similar to the MASTERCARD Marks or any other MasterCard trademarks;

- e) using any names, words, designations or symbols consisting of, incorporating in whole or part, or otherwise similar to the MASTERCARD Marks or any other MasterCard trademark in any e-mail or other marketing solicitations sent to consumers;
- f) otherwise infringing MasterCard's trademarks;
- g) making any description or representation stating or implying that Defendant's goods or services, domain names or web sites are in any way affiliated, associated, authorized, sponsored, endorsed or otherwise connected with MasterCard; and
- h) any other conduct that is likely to cause confusion or to cause mistake or to deceive as to the source, affiliation, connection or association of Defendant's domain names, web sites, products or services with MasterCard.

2. That Defendant be ordered to disclose to the Court and MasterCard all other domain name registrations owned directly or indirectly by Defendant, or by entities in which Defendant has a financial interest, to permit the Court and MasterCard to consider whether any such other registrations should be subject to relief in this matter.

3. That Defendant, and all persons acting in concert or participating with Defendant, be ordered to transfer to MasterCard the Infringing Domain Names and any other infringing domain names as may be determined by the Court as appropriate herein for relief. 15 U.S.C. § 1125(d)(1)(C).

4. That Defendant be ordered to pay statutory damages in the amount of \$100,000.00 per infringing domain name, for a total amount of \$1,600,000.00. 15 U.S.C. § 1117(d).

5. That Defendant be ordered to pay MasterCard all profits realized by Defendant by reason of his unlawful acts as set forth in this Complaint. 15 U.S.C. § 1117(a).

6. That Defendant be ordered to pay MasterCard all damages suffered by MasterCard by reason of Defendant's trademark infringement as set forth in this Complaint. 15 U.S.C. § 1117(a).

7. That the Court award MasterCard three times the damages suffered by reason of the intentional, unlawful acts of Defendant as set forth in this Complaint. 15 U.S.C. §§ 1117(a).

8. That Defendant be required to file with this Court and serve on the undersigned counsel for MasterCard, within thirty (30) days after the entry of judgment, a written report under oath setting forth in detail the manner in which Defendant has complied with the injunction ordered by this Court. 15 U.S.C. § 1116.

9. That Defendant be ordered to pay to MasterCard the costs of this action and its reasonable attorneys' fees. 15 U.S.C. §§ 1117(a).

That MasterCard shall have such other relief as this Court may deem just and proper.

Dated: December 18, 2008

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