



# **BULKY DOCUMENTS**

(Exceeds 100 pages)

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Title: DECLARATION OF STEPHANIE H. BALD

Part : 4 of 6

**92054425**

**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
Cancellation No. 92054425**

**Declaration of Stephanie H. Bald**

**EXHIBIT 139**

*Market Slowdown Puts Lead Generation under the Microscope National Mortgage News  
September 18, 2006*

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National Mortgage News

September 18, 2006

**SECTION:** LENDERS & THE NET; Pg. 37 Vol. 30 No. 49

**LENGTH:** 1342 words

**HEADLINE:** Market Slowdown Puts Lead Generation under the Microscope

**BYLINE:** Scott Kersnar

**BODY:**

Even as home prices continued to rise, most lenders and brokers were getting ready for an inevitable downturn. As deals became fewer and competition stiffer, the market slowdown created a lead-generation testing ground.

Internet leads in particular came under the microscope, even as the lead marketplace expanded. To LendingTree, LowerMyBills, BankRate, LoanWeb and other established lead sources, add LeadQual, LeadPoint and HouseValues (which recently acquired The Loan Page). And to those, add brand-new players like LendingGear. As the mob of vendors keeps getting larger, how do you figure out which lead-generation providers will do you some good?

Too often, a good lead is hard to find. Mortgage professionals discovered long ago that while Internet leads were cheap, they were unreliable, offering single-digit conversion rates that did not keep pace with traditional lead sources. Three out of four mortgage shoppers on the **Internet are window-shopping** for rates and fees. Any interaction they make with a website is likely to be a casual exploration. You don't have to be actually looking for a loan in order to fill out an online form. But when a prospect is ready to act, the technology is now in place to take one of those forms, place a call to the person who had filled it out, ask the right follow-up questions and make a quick hot-call transfer to a loan officer paying for that lead.

Which companies do it right? If you want to find out which lead-generation companies offer a good product, going to conferences is a good idea. Inman News' Real Estate Connect conference in July featured an Internet Mortgage Marketing Summit, where lead generation was the primary topic. Back-to-back mortgage sessions took up search engine and portal marketing, pay-per-click, pay-per-call, lead validation, going beyond online loan applications and how to work Internet leads. Mortgage executives and loan officers had a chance to hear from the new lead vendors and take their current providers to task with complaints about lead quality.

Another option is to contact consultants that specialize in serving brokers. Jason Denio, CEO of Springfield, Mass.-based Foresite Group Inc. heads one such firm. No fan of Internet leads, he is advising loan officers to stick with their contact-management software to generate referrals and otherwise drum up new business.

"Two years ago, it was buy leads and make money," Mr. Denio told me. "There was a big push on hot-call transfers." He has seen a huge shift in that arena. "The companies that were buying leads are not doing that any more." He said none of his customers are asking about hot-call transfers now. "The knock was on the quality of the leads."

But hold on a second. Others say dismissing Internet leads can be a mistake. Domania founder Steven Kropper, now the CEO of startup BankOnRealEstate.com (stay tuned for groundbreaking announcements), has some thoughts on that. The solution to closing the gap "between crummy low-conversion Web leads and the performance of traditional off-line marketing channels," states Mr. Kropper, is to incubate those leads. He points to LeadQual, founded by HomeGain veterans Andrew Coleman and Glenn Houk, as one of the few companies "filtering, incubating or otherwise warming up leads."

The prevailing myth of filtering Internet leads is often paired with another myth: exclusivity, says LeadQual co-founder Glenn Houk. "There is no such thing as an exclusive lead." Consumers ready to apply for a loan - the ones you most want to reach - do not sit around waiting for some matchmaker to find them. When Internet borrowers get serious, they want service this minute, during this call to your 800 number or immediately (if not sooner) after clicking the send button on an online form.

Speed and customization as the key factors in converting the Internet loan seekers who are actually ready to act, says Mr. Houk. Thus LeadQual finds out what the prospect wants and needs, matches that information with the criteria of the mortgage broker, and makes the hot-call transfer without first putting the consumer on hold. In effect, the broker or loan consultant becomes part of a dispersed but efficient call-center hunt group.

Since studies tell us that Internet borrowers are pleased when their initial enquiries gets an immediate response, even if the consumer is not ready to transact, the first loan consultant to respond is the one who scores that initial victory. Having done that, said Mr. Houk, the loan consultant should retain the prospect's contact information for longer-range "drip-marketing" contacts, such as opt-in e-mail.

Calling itself the world's first real-time lead exchange, a company called LeadPoint offers to revolutionize mortgage leads on the Internet by reducing the cost per funded loan. That company also was founded by lead-generation veterans and started trading leads in November 2004. Los Angeles-based LeadPoint has traded some 800,000 leads to date and currently trades some 2000 leads a day. LeadPoint resembles eBay in that the price of leads is arrived at in an auction rather than by signed contract. Buyer and lender criteria find a match-up on the exchange and a qualified hot transfer is made to the highest bidder.

By offering an efficient marketplace and charging a fraction of what leading competitors charge for a lead, LeadPoint offers to maximize ROI and margin for buyers and sellers alike. Having one point of access means lead buyers are not tied to any one vendor. If a mortgage lender or broker buying leads finds that they are converting poorly, the buyer can lower his bids.

The leads offered on LeadPoint are exclusive. Nevertheless, the company claims that it receives over 20 applications from sellers per day, though it doesn't accept that many. All

buyers are given a dropdown feedback box to report leads that don't work or ones that contain incomplete information. LeadPoint ranks its sellers and says it works with them to improve performance and kicks out the laggards.

Speaking of laggards, hot-call transfers don't turn into closed loans by themselves. The loan officer on the receiving end has to be hot, too. All sources agree that the ones who succeed best are those who make themselves instantly available to take calls at times when borrowers are most likely to call. Yes, that means working some weekend hours.

Mortgage brokers should keep an eye on a Wayne, Pa.-based startup called LendingGear.com, which connects brokers and lenders in another real-time auction environment. The LendingGear value proposition is to help brokers get accurate scenario results without having to upload loan app data to multiple AUS systems. When brokers complete a single thorough scenario form, lenders are notified by email of scenarios that fit pre-selected criteria. They then click through these notifications to place their bids. Brokers receive e-mail notifications and click through to see various offers on one page.

LendingGear president Marcus Cudd, a veteran of the wholesale lending ranks, says brokers are eager for a way to avoid the "two or three uploads it takes to get the prequal they are looking for." Since most automated underwriting systems have a limited number of guidelines in the system and set interest rates, he notes, the conditions and stipulations returned give lenders plenty of room to back out of a preliminary decision.

LendingGear offers lenders a chance to "create profiles of loan types they are actually looking for." Hot transfers do not turn into actual deals unless the pre-qualification process is focused on the business a lender is actually targeting, said Mr. Cudd, "and I don't think you can completely automate that process."

Once again, automated systems can return preliminary indications, but they can't interrogate a prospect to turn a lead into a deal that lenders will actually honor. Just as it takes human intervention to incubate an Internet lead, it takes a live loan professional to close a deal.

<http://www.nationalmortgagenews.com> <http://www.sourcemediacom>

**LOAD-DATE:** September 18, 2006

**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
Cancellation No. 92054425**

**Declaration of Stephanie H. Bald**

**EXHIBIT 140**

*'Bond, James Bond'; 'Casino Royale' signals change for 007 South Bend Tribune (Indiana)  
November 17, 2006 Friday Correction Appended*

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South Bend Tribune (Indiana)

November 17, 2006 Friday  
Correction Appended  
Michigan Edition

**SECTION:** WEEKEND; WEEKEND: COMMENTARY; Pg. D1

**LENGTH:** 588 words

**HEADLINE:** 'Bond, James Bond';  
'Casino Royale' signals change for 007

**BYLINE:** By JAMES WENSITS, Tribune Staff Writer

**BODY:**

James Bond is not a nice guy. Or, at least, he wasn't.

The character described by Ian Fleming in his 1953 novel, "Casino Royale," did not have the charm of Sean Connery, much less that of Roger Moore or any of the other actors who have portrayed the superspy.

The real Bond liked willing women, provided it was his will that brought them to his bed.

He also had a gourmet's taste in food and wine, particularly vintage champagne, and a thirst for a well-made martini, for which he had exacting specifications.

Although the fortune made by the Bond books and movies was largely because of America's fascination with the character, the Bond in Fleming's early books did not particularly like Americans or their products.

Bond despised Virginia tobacco, favoring Turkish leaf in his specially made cigarettes.

American-made cars and their automatic transmissions were a sign of American softness from Bond's distinctly European point of view.

And, let's not forget, Bond was a killer, a licensed hit man whose government-sanctioned job was to take out anyone who threatened British security, or whose death might increase intelligence in vital areas.

To make "Casino Royale," the filmmakers had to achieve two goals.

The first was to transform the Bond character from the natty quip machine he had become over the course of 20 films into a believable, hard-nosed British spy.

The second was to get a handle on the series itself, which unfortunately, like a fat Elvis, had become a woeful caricature.

Stupid plots, stupid villains, stupidly named stupid strumpets and an unrelenting effort to wring as much money as possible out of each product-placement-enhanced film have made each new Bond film increasingly worse than its predecessor for anyone who was a fan of the original concept.

Fleming wasn't a particularly good wordsmith, but he could spin a good yarn with the best of them, as fans of the novels can attest.

It is worth noting that most of the novels were written after the film series began.

As time went by, the Bond character in the books seemed to become more and more like the character Sean Connery portrayed in the films and less like the numbered killer Fleming had first imagined.

The first few movies, "Dr. No," "From Russia, With Love" and even "Goldfinger" basically followed Fleming plots, which may be why many early fans still believe Connery was the best of the Bond actors. His material was better, making his version of the character far more interesting.

Unfortunately for Bond fans, "Goldfinger," which was a huge financial success, paved the way for the outlandishness that followed.

Unlike the book character's treasured old Bentley, Bond's "Goldfinger" Aston-Martin car had machine guns under the headlights and a passenger-side ejector seat, along with other plot devices that led those in charge of the series to conclude that each new film had to top the last.

Somewhere along the way, the film series dropped any connection between the movies and Fleming's books other than the film titles, the names of the main villain and Bond himself.

The new "Casino Royale" makes many script changes as well, although from what I've read, the basic plot seems to follow Fleming's plan.

So, here's an idea:

If the latest Bond movie is a success, moviemakers should try following those old Fleming book plots a bit more closely and see if an audience develops.

That could be the most fun that Bond lovers have had since JFK kept a Fleming novel on his nightstand.

Staff writer James Wensits:

[jwensits@sbtinfo.com](mailto:jwensits@sbtinfo.com)

(574) 235-6353

**CORRECTION-DATE:** November 18, 2006

**CORRECTION:**



Because of a reporter's error, a commentary about the new James Bond movie, "Bond, James Bond" on Page D1 of Friday's WeekEND, incorrectly stated that most of the novels written by Ian Fleming were written after the film series began in 1962. Nine of Fleming's 14 Bond novels were published before 1962. The Tribune regrets the error.

**GRAPHIC:** Daniel Craig aims to rescue the James Bond franchise of films from its silliness and light plotlines as he steps into the role of 007 with the release today of "Casino Royale." AP Photo/EON PRODUCTIONS/PA 'On Her Majesty's Secret Service' Ian Fleming published the first James Bond novel, "Casino Royale," in 1953. A year later, the novel was adapted for live television in the United States, and in 1962, Bond made the leap to the big screen. Nine actors have played the British superspy in official franchise films and unofficial films. No matter their real names, the following men have all gone by the code name 007: Barry Nelson "Casino Royale" (1954) Sean Connery "Dr. No" (1962) "From Russia, With Love" (1963) "Goldfinger" (1964) "Thunderball" (1965) "You Only Live Twice" (1967) "Diamonds Are Forever" (1971) "Never Say Never Again" (1983) Peter Sellers and David Niven "Casino Royale" (1967) George Lazenby "On Her Majesty's Secret Service" (1969) Roger Moore "Live and Let Die" (1973) "The Man With the Golden Gun" (1974) "The Spy Who Loved Me" (1977) "Moonraker" (1979) "For Your Eyes Only" (1981) "Octopussy" (1983) "A View to a Kill" (1985) Timothy Dalton "The Living Daylights" (1987) "License to Kill" (1989) Pierce Brosnan "GoldenEye" (1995) "Tomorrow Never Dies" (1997) "The World Is Not Enough" (1999) "Die Another Day" (2002) Daniel Craig "Casino Royale" (2006) Daniel Craig, above, becomes the latest actor to play James Bond with the release today of "Casino Royale." Photos provided/METRO-GOLDWYN-MAYER PICTURES, COLUMBIA PICTURES, EON PRODUCTIONS 5 steps to 007 Since Ian Fleming published the first James Bond novel, "Casino Royale," in 1953, 007's sophisticated charm and bulletproof cool have set the standard for the gentleman agent. "Casino Royale," the 21st movie in the series, opens today, starring Daniel Craig as the sixth Bond, James Bond. Here are five ways to be the spy everyone loves. Rent a tux. This one is easy because almost every mall has an After Hours Formalwear. When selecting your tux, keep it simple -- and skip the blue ruffles. Acquire an accent. To make the Bond girls swoon, ditch the boorish American drawl for aristocratic English. With Paul Meier's dialect services ([www.paulmeier.com](http://www.paulmeier.com)), you can select a specific British accent, or go Scottish if you're a Sean Connery fan. Mix the perfect martini. Not everything Bond does is perfect: No real cocktail aficionado would choose a shaken vodka concoction over a far more civilized stirred gin martini. Take a bartending class to make sure your mixology skills are up to snuff. Check out an Aston-Martin. In "Casino Royale," Bond returns to the DB5, the Aston-Martin sports car most associated with the spy. The DB5 is a rare classic, but you can **window-shop** for newer models **online** at <http://Astonmartinofitysonscorner.com>. Raise the stakes. A dramatic point in the movie revolves around a high-stakes poker game. In Atlantic City, N.J., re-enact that scene at the baccarat table, Bond's preferred gamble. Closer to home, host your own game; all you need are cards and piles of Monopoly money. For guidance, pick up a copy of "Baccarat for the Clueless" by John May (Lyle Stuart, \$12).

**LOAD-DATE:** November 20, 2006

**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
Cancellation No. 92054425**

**Declaration of Stephanie H. Bald**

**EXHIBIT 141**



**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
Cancellation No. 92054425**

**Declaration of Stephanie H. Bald**

**EXHIBIT 142**

*Crowds migrating from the aisles to the Web Rocky Mountain News (Denver, CO) November 24, 2006 Friday*

Copyright 2006 Denver Publishing Company  
Rocky Mountain News (Denver, CO)

November 24, 2006 Friday  
Final Edition

**SECTION:** BUSINESS; Pg. 2B

**LENGTH:** 673 words

**HEADLINE:** Crowds migrating from the aisles to the Web

**BYLINE:** Roger Fillion, Rocky Mountain News

**BODY:**

All you shoppers who shun malls and like to point and click, get ready to join tens of millions of Web surfers who will buy their holiday gifts online.

Nov. 27, or Cyber Monday, marks the unofficial start of the online holiday-shopping season, when many consumers return to their offices from the Thanksgiving holiday and capitalize on broadband connections.

And experts predict that people will shell out more money via cyberspace than ever to buy toys, DVDs, clothes and other gifts this year despite lingering worries about identity theft, fraud and other issues.

Forrester Research predicts that online holiday sales will jump 23 percent over 2005 holiday sales, to \$27 billion.

Why? Higher gas prices, the huge selection of products online and the convenience of Internet shopping.

"While consumers may downplay how much they plan to spend this holiday season, historical trends point to a different story" that suggests a "strong holiday season," Forrester analyst Sucharita Mulpuru wrote in a recent report.

Using different data, JupiterResearch predicts that online holiday retail sales will jump 18 percent, to \$32 billion.

The research firm estimates that a record 114 million users will shop online, a 6 percent increase.

Denver-area net surfers are expected to be among those who will be busier than most.

The Denver area ranks No. 4 on the list of top online shopping cities in terms of how much money people plan to spend online this holiday season, according to a survey by AOL and

the polling firm Zogby International.

It said the average Denver Web user plans to spend \$558.84 on online purchases this holiday season.

New York Web surfers on average are expected to spend the most money - \$1,483.36 - online, the survey reported.

Despite the rush to the Web, fraud, privacy, spam and other worries remain a concern.

Experts caution Web surfers against privacy-stealing programs known as spyware, as well as viruses that can wreak havoc on a person's computer.

Experts also warn against e-mails known as "phishing" scams that invite consumers to log on to a seemingly legitimate Web site and enter sensitive personal information such as a Social Security number. The Web site, in fact, isn't legitimate and allows the perpetrator to capture personal data.

David Perry, global director of education at Trend Micro Inc., a Cupertino, Calif.-based maker of computer-security software, advises wary Web surfers to **window-shop online** and then complete the actual purchase over the phone with the retailer.

In his own case, Perry uses a separate credit card for online transactions that has a \$1,000 ceiling. "That limits the liability to \$1,000," he said.

Jeff Grass, CEO of BuySafe Inc., a Virginia company that identifies reputable online merchants with a special seal, said shoppers also are concerned about online retailers' failing to follow through on transactions, particularly when it comes to smaller, independent online retailers. "Really make sure you know who you're buying from," said Grass. "Look for clues or factors that can help you know they're a trusted and reliable merchant."

#### INFOBOX

##### Online shopping tips

\* Secure your personal computer beforehand and keep security software updated. Use anti-virus, anti-spyware and anti-spam software, as well as a firewall.

\* Be wary of responding to e-mails asking for your password(s), Social Security number, birth date, credit card number or other personal information.

\* Ensure that Web sites are truly secure before entering credit-card data. Look for a small lock icon on the browser's status bar, a Web-site URL that begins with "https" (the "s" stands for secure) and a trusted seal like those from VeriSign or TRUSTe.

\* Review all credit-card bills closely to look for suspicious activity. Designate one credit card for online shopping.

\* Create complex user names and passwords for credit-card accounts and when registering for e-commerce sites and other Internet accounts.

Sources: National Crime Prevention Council; Chief Marketing Officer Council; Electronic Retailing Association

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**NOTES:** [fillionr@RockyMountainNews.com](mailto:fillionr@RockyMountainNews.com) or 303-954-2467; SEE END OF TEXT FOR INFOBOX

**GRAPHIC:** Illustration, Letting your mouse do the shopping. See graphic archive. ROCKY MOUNTAIN NEWS

**LOAD-DATE:** November 24, 2006

**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
Cancellation No. 92054425**

**Declaration of Stephanie H. Bald**

**EXHIBIT 143**



*More people window shopping in stores and then going online to purchase the items CBS  
News Transcripts November 28, 2006 Tuesday*

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CBS News Transcripts

**SHOW:** CBS Morning News 6:30 AM EST CBS

November 28, 2006 Tuesday

**LENGTH:** 304 words

**HEADLINE:** More people **window shopping** in stores and then going **online** to purchase the items

**ANCHORS:** SUSAN MCGINNIS

**REPORTERS:** CYNTHIA BOWERS

**BODY:**

SUSAN MCGINNIS, anchor:

Well they call it Cyber Monday, where retailers start offering big discounts to online shoppers. Well, those shoppers are an increasingly important part of their holiday business plan. Cynthia Bowers reports.

Offscreen Voice: The doors are open!

CYNTHIA BOWERS reporting:

As if the commercial chaos that can be Black Friday weren't holiday hype enough, now retailers want us to buy into Cyber Monday, with online bargains just one click away.

Unidentified Woman: It makes it easy for me to get exactly the right gift for the right person.

BOWERS: She was just one of 61 million of us expected to shop online yesterday. That's 20 percent of the population. Even so, experts say Cyber Monday, which was only coined a year ago, is already out of date.

Mr. KURT PETERS (Editor, Internet Retailer): People are shopping online all the time. They're not waiting to get to the office on the Monday after Thanksgiving to start their Christmas shopping.

BOWERS: Estimates are this year's online holiday sales will be up 24 percent to \$24 billion, just 6 percent of what Americans are expected to spend this season.

Even the way we **window shop** is changing. It used to be we would **window shop online**, then spend our money here. Now, Americans increasingly are doing their **window shopping** here and spending their money **online**.

Which is why major retailers are racing to catch that virtual wave.

Mr. BERNIE FEIWUS (JCP.Com): Any retailer that doesn't have a real presence on the Internet, a vibrant site, they're going to lose market share in total.

BOWERS: Meaning it's not the day, but the cyber month that counts. Cynthia Bowers, CBS News, Chicago.

McGINNIS: Still to come, your Tuesday morning weather, and in sports, Brett Favre connects for a TD in the snow, but the Seahawks prove they can handle the weather and the Packers.

**LOAD-DATE:** November 28, 2006

**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
Cancellation No. 92054425**

**Declaration of Stephanie H. Bald**

**EXHIBIT 144**

*Live the Bond life Chicago Tribune December 1, 2006 Friday*

Copyright 2006 Chicago Tribune Company  
Chicago Tribune

December 1, 2006 Friday  
RedEye Edition

**SECTION:** Pg. 56

**LENGTH:** 244 words

**HEADLINE:** Live the Bond life

**BYLINE:** The Washington Post.

**BODY:**

Despite initial negative reactions, British actor Daniel Craig appears to have won over the masses as super spy James Bond in "Casino Royale."

Since its release on Nov. 17, the 21st movie of the Bond series has made almost \$230 million worldwide.

The super spy's sophisticated charm and bulletproof cool have set the standard for men since the first Bond book--"Casino Royale"--was published in 1953. Here are five ways to be the spy everyone loves.

1. Rent a tux

This one is easy, since almost every mall has a formal wear shop. When selecting your tux, keep it simple--and skip the blue ruffles.

2. Acquire an accent

To make the Bond girls swoon, ditch the boorish American drawl for aristocratic English. You can work on a Brit accent with a dialect coach--or go Scottish if you're a Sean Connery fan.

3. Mix the perfect martini

Not everything Bond does is perfect: No real cocktail aficionado would choose a shaken vodka concoction over a far more civilized stirred gin martini. Take a bartending class to make sure your mixology skills are up to snuff.

4. Check out an Aston Martin

In "Casino Royale," Bond returns to the DB5, the Aston Martin sports car most associated with the spy. The DB5 is a rare classic, but you can **window-shop** for newer models **online** at [astonmartinoftysonscorner.com](http://astonmartinoftysonscorner.com).

**5. Raise the stakes**

A dramatic point in the movie focuses on a high-stakes poker game. All you need to host your own game are cards and piles of Monopoly money--or the real thing.

**NOTES:** POP FASHION

**GRAPHIC:** PHOTO (color): DANIEL CRAIG IN "CASINO ROYALE."  
PHOTO

**LOAD-DATE:** December 2, 2006

**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
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**Declaration of Stephanie H. Bald**

**EXHIBIT 145**

*Lucy's true loves Times-Picayune (New Orleans) March 2, 2007 Friday*

Copyright 2007 The Times-Picayune Publishing Company  
Times-Picayune (New Orleans)

March 2, 2007 Friday

**SECTION:** WISH; My Favorite Things; Pg. 99

**LENGTH:** 501 words

**HEADLINE:** Lucy's true loves

**BYLINE:** By Evelyn S. Poitevent

**BODY:**

Growing up in Metairie, a first-generation Cuban-American whose father was imprisoned for two years during the early days of Castro's regime, Lucy Bustamante always held a keen interest in one of the fundamentally democratic institutions her parents' native country no longer enjoyed: the free press.

A current-events junkie since well before her days at Cabrini High School, the 26-year-old earned her communications degree from Loyola University while working behind the scenes at WVUE-TV for three years.

After reporting stints in Lafayette and Mobile, Ala., the animal lover -- whose menagerie includes a cat, Chitah; a white German shepherd, Bella; and two birds, Cielo and Sol -- landed the opportunity to return home in 2004 and work for WWL-TV. Two years later, she became the new face of the 10 p.m. newscast.

Bustamante, who marked her one-year anniversary in the weeknight anchor chair at the end of January, devotes her weekends off to three other passions in life: her boyfriend of almost two years, a naval officer stationed in San Diego; ballroom dancing; and shopping.

"I like stylishly classic looks, things that you know are going to be able to survive the seasons and the quick trends," she said.

Bustamante likes to do a bit of background research before **pounding the pavement**. Already a fan of Bluefly.com and Overstock.com, she recently began **online window shopping** at Style.com. It was love at first "byte" with the five items shown here.

"Steve Madden has a great pair of tan, open-toe, low-heel, sling-back sandals. They're not too expensive, and you can dress them up or down."

Steve Madden "Spool" peep-toe slingbacks, \$70 at Steve Madden, Lakeside Shopping Center, 3301 Veterans Memorial Blvd., Metairie, 504.219.9161

"I love white; I think it's a great color on just about anybody. And the dress is so classic. You can take it anywhere with you, like when my boyfriend and I go to Miami."

White halter dress \$98, at J.Crew, Lakeside Shopping Center, 3301 Veterans Memorial Blvd., Metairie, 504.830.3405

"This is totally wish list -- definitely not in my budget -- but there is an absolutely beautiful David Yurman necklace that I love with a little medallion and a big chain. It's very much in his style, classic Yurman. I'd wear it all the time."

David Yurman Petite Albion Pavé Necklace & Square Diamond Cushion Earrings \$790 & \$1,490, available through Lee Michaels Fine Jewelry, The Shops at Canal Place, 333 Canal St., 504.581.6161, and Lakeside Shopping Center, 3301 Veterans Memorial Blvd., Metairie, 504.832.0000; and Aucoin Heart Jewelers, 1525 Metairie Road, Metairie, 504.834.9999.

"Express has these very fitted strapless tops that zip up in the back, much like a corset, and when you pair one with a skirt it looks like one piece -- very sleek and elegant."

Express matte shine cami with metallic straps \$39, at Express, North Shore Mall, 150 North Shore Blvd., Slidell, 985.639.0936, and Lakeside Shopping Center, 3301 Veterans Memorial Blvd., Metairie, 504.831.2590.

**LOAD-DATE:** August 1, 2007



**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
Cancellation No. 92054425**

**Declaration of Stephanie H. Bald**

**EXHIBIT 146**

*A Narrow Window Into the Future The New York Times April 26, 2007 Thursday*

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The New York Times

April 26, 2007 Thursday  
Late Edition - Final

**SECTION:** Section G; Column 3; Thursday Styles; ONLINE SHOPPER; Pg. 6

**LENGTH:** 1006 words

**HEADLINE:** A Narrow Window Into the Future

**BYLINE:** By Michelle Slatalla.

E-mail: [Slatalla@nytimes.com](mailto:Slatalla@nytimes.com).

**BODY:**

THE last time I needed a white shirt, I bought it at the mall.

This may sound like a shameful confession, coming from someone who shops online all day, but the reality is that when it comes to fashion, Web sites never have been as good at organizing apparel as an old-fashioned mall.

Consider that a keyword search for "white shirt" last week turned up 18 million results at Google (the first being stock photo images of white shirts), roughly 20,000 results at Froogle (the first page of which consisted entirely of eBay auctions) and 15,554 results at Yahoo Shopping, including a mishmash of men's shirts, children's shirts and, inexplicably, N.Y.P.D. T-shirts.

That's why I was excited last week to test an unusual, new fashion search site called Glimpse.com, which aims to mimic a one-stop shopping mall online by creating a central place where shoppers can sort through merchandise from a few dozen well-known stores, ranging from Saks Fifth Avenue to Old Navy.

It's an ambitious goal. Researchers who study how humans interact with computers say that online searches for apparel can quickly turn confusing.

"It's frustrating for people to have to think of the right keywords to type in a shopping experience where what they might be looking for is not something they can easily describe," said Mark S. Ackerman, an associate professor in the School of Information at the University of Michigan. "For instance, if I want a tie, I go to a store and wear the shirt because I wouldn't know what keyword except 'tie' to type to describe something that would match it."

The way Glimpse.com proposes to get around that problem is by creating the first online mall where virtual stores like Bluefly.com and Shopbop.com sit next door to stores from your local mall like Neiman Marcus and Nordstrom.

Glimpse collects, categorizes and displays merchandise from about 100 stores on a Web site where shoppers can look at images side by side in a single screen, eliminating the need to open a zillion pop-up windows to view each store's inventory separately. "It searches strategically through a relatively small number of sites rather than searching the entire universe," said Frank Han, the founder of Glimpse. "What we're trying to do is bring a point of view that keeps the shopper from feeling overwhelmed."

When a shopper clicks on a thumbnail image of an item, a smaller window pops up linking directly to the store that sells the merchandise.

Glimpse.com organizes items in a few categories -- clothing, shoes, jewelry, beauty and home decor (included because "shoppers think of it as fashion for the home," Mr. Han said). Much of the merchandise -- from thousands of manufacturers like Tory Burch and Joe's Jeans -- is aimed squarely at the tastes of single female shoppers age 24 to 32.

"This is a shopper who connects with shopping as a hobby, in a phase of life where she's taking care of herself more than taking care of lots of people around her," Mr. Han said. "She is a member of a gym. Does spa days, manicures and pedicures. More likely than not to have a MySpace page."

That didn't sound like me. But it definitely sounded like the me I pretend to be when I shop.

To test Glimpse, I started at its homepage, which looks like a magazine spread with a handful of high-quality product photographs (shoes, dresses, earrings) and clickable headlines like "Best Sales and Steals" and "Editors' Shopping Picks."

One of the site's strengths is that its clean design and relatively limited selection of merchandise make it equally easy to hunt either through keyword searches or by clicking on category names or thumbnail photos to focus eventually on an item.

It's particularly important for fashion search sites to allow for a variety of search methods because a clothing shopper tends to browse and compare before settling on a single item, said Jaime Teevan, a researcher at Microsoft who as part of her recent doctoral research studied **online** search strategies.

For **window shoppers** who browse for merchandise by relying on orienteering techniques, Glimpse displays pictures of celebrities and offers shoppers the chance to purchase their styles, for instance.

Shoppers on Glimpse can limit a search to merchandise sold by a specific store or manufacturer (or to a few designated stores or manufacturers) and then, within those limits, narrow the search further by category of clothing.

"That sort of supporting feedback from your environment helps you find what you're looking for," Ms. Teevan said.

I'm more of a directed searcher. I rely on keywords to get the ball rolling. I typed "white shirt" and got 37 results on Glimpse (accompanied by thumbnail images).

That's a lot. But it wasn't overwhelming like the results at other, more general sites, because these were relevant; the top row of thumbnails included pictures of a Craig Taylor white shirt from Saks (\$155) and a satin-check white on white shirt from Thomas Pink

(\$130) and a what was described as a "perfect white shirt" from J. Jill (marked down to \$29.99.).

Before Glimpse, I would have had to visit each of those stores' sites individually, along with, say, Nordstrom.com, Zappos.com, Saks.com and Oldnavy.com, and after awhile my computer screen would look cluttered and I would eventually have lost track of who was selling what for how much.

Now, however, Glimpse.com streamlined the process by performing in seconds the same search task that used to take me several minutes at multiple sites and by displaying the results side-by-side in a single window.

My only real concern is whether the site will grow too big, adding stores and brands until it becomes plagued with the sort of irrelevant results that clutter more general search sites.

Mr. Han said that won't happen. "We'll continue to have a real point of view in merchandising on the site," he said. "We'll have more pages, that dig deeper, to organize merchandise into 60 top sellers or 40 editors' picks, to organize it for shoppers."

**URL:** <http://www.nytimes.com>

**GRAPHIC:** Drawing (Drawing by Leslie Lammle)

**LOAD-DATE:** April 26, 2007

**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
Cancellation No. 92054425**

**Declaration of Stephanie H. Bald**

**EXHIBIT 147**

*Window shopping, an edited view Chicago Tribune April 29, 2007 Sunday*

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Chicago Tribune

April 29, 2007 Sunday  
Chicagoland Final Edition

**SECTION:** BUSINESS ; ZONE C; E-SHOPPER ; Pg. 2

**LENGTH:** 763 words

**HEADLINE:** Window shopping, an edited view

**BYLINE:** By Michelle Slatalla, New York Times News Service

**BODY:**

The last time I needed a white shirt, I bought it at the mall.

This may sound like a shameful confession, coming from someone who shops online all day, but the reality is that when it comes to fashion, Web sites never have been as good at organizing apparel as an old-fashioned mall.

Consider that a keyword search for "white shirt" last week turned up 18 million results at Google, roughly 20,000 results at Froogle and 15,554 results at Yahoo Shopping.

That's why I was excited last week to test an unusual, new fashion search site called Glimpse.com, which aims to mimic a one-stop shopping mall online by creating a central place where shoppers can sort through merchandise from a few dozen well-known stores, ranging from Saks Fifth Avenue to Old Navy.

"It's frustrating for people to have to think of the right keywords to type in a shopping experience where what they might be looking for is not something they can easily describe," said Mark S. Ackerman, an associate professor in the School of Information at the University of Michigan.

The way Glimpse.com proposes to get around that problem is by creating the first online mall where virtual stores like Bluefly.com and Shopbop .com sit next door to stores from your local mall like Neiman Marcus and Nordstrom.

Glimpse collects, categorizes and displays goods from about 100 stores on a Web site where shoppers can look at images side by side in a single screen, eliminating the need to open a zillion pop-up windows to view each store's inventory separately. "It searches strategically through a relatively small number of sites rather than searching the entire universe," said Frank Han, Glimpse's founder.

When a shopper clicks on a thumbnail image of an item, a smaller window pops up linking directly to the store that sells the merchandise.

Glimpse.com organizes items in a few categories -- clothing, shoes, jewelry and beauty. Much of the merchandise, from thousands of makers like Tory Burch and Joe's Jeans, is aimed squarely at the tastes of single female shoppers age 24 to 32.

"This is a shopper who connects with shopping as a hobby, in a phase of life where she's taking care of herself more than taking care of lots of people around her," Han said. "She is a member of a gym. Does spa days, manicures and pedicures. More likely than not to have a MySpace page."

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Glimpse.com streamlined the process by performing in seconds the same search task that used to take me several minutes at multiple sites and by displaying the results side by side in a single window.

My only real concern is whether the site will grow too big, adding stores and brands until it becomes plagued with the sort of irrelevant results that clutter other search sites.

Han said that won't happen. "We'll continue to have a real point of view in merchandising on the site. We'll have more pages that dig deeper, to organize merchandise into 60 top sellers or 40 editors' picks, to organize it for shoppers."

**LOAD-DATE:** April 29, 2007

**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
Cancellation No. 92054425**

**Declaration of Stephanie H. Bald**

**EXHIBIT 148**



*Most young buyers are sticking to brick and mortar; When teens do buy on the Internet, they tend to purchase books, videos and music. The Orange County Register (California) August 24, 2007 Friday*

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The Orange County Register (California)

August 24, 2007 Friday  
1 Edition

**SECTION:** BUSINESS; Pg. Theme\_D

**LENGTH:** 419 words

**HEADLINE:** Most young buyers are sticking to brick and mortar;  
When teens do buy on the Internet, they tend to purchase books, videos and music.

**BYLINE:** By HANG NGUYEN; The Orange County Register

**BODY:**

Grant Monson, 17, is no stranger to the Internet.

He surfs the Web at least an hour a day. He sends instant messages to friends and visits sites like PureVolume to listen to music.

But when it comes to back-to-school shopping, the Internet isn't how he buys his stuff. Rather, he hits brick-and-mortar stores when he wants something. Surprisingly, he's the average student shopper.

The Register's poll showed that 74 percent of young people 8 to 21 aren't planning to buy anything for back to school online.

Our local findings mirror that of a national report released in June by Packaged Facts. Twenty-six percent of all teens said they placed an Internet order in the past three months. When teens do buy on the Internet, they are most likely to purchase books, videos and music.

Still, teens are likely than adults to be frequent Web shoppers. There are various reasons young people prefer purchasing from brick-and-mortar stores rather than the **Internet**. And much of the rationale isn't all that different from that of adults.

Monson, of Huntington Beach, **window shops** on the Web before he heads out to stores to buy merchandise. He wants to minimize his time in stores because, he said, "I don't like to be around a lot of people."

Monson, who calls himself cheap, doesn't want to pay shipping costs. And he wants to make sure he's getting the right item by trying on the clothes or shoes, or checking out the

gadget in person.

Jorge Mejia, 17, of Santa Ana echoes that thought. "Stuff looks different online. I like to see what I buy before I buy it."

Plus, clothing and shoe sizes vary from manufacturer to manufacturer, said Hope Schaal, 15, of Yorba Linda. That's why, she says, it's crucial for her to try things on.

And many teens are simply too impatient to order online. Fernando Becerra, 17, of Santa Ana, said online purchases "take forever to come."

Adan Gomez, 17, also of Santa Ana says buying on the Web is complicated. So he prefers going to stores.

And some young people even worry about identity theft. It's why Samar Basravi, 16, of Irvine doesn't use her debit card online, she says.

But Marc Lee's hands are tied when it comes to Internet shopping.

The 16-year-old from Irvine said, "I don't have a credit card and my parents won't let me borrow theirs."

**ONLINE HABITS:** Grant Monson, 17, like many teens, doesn't buy back-to-school items **online**. Monson **window-shops online** and ultimately buys merchandise at the stores to save on shipping costs, he says.

714-796-7083 or [htnguyen@ocregister.com](mailto:htnguyen@ocregister.com)

**LOAD-DATE:** August 25, 2007

**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
Cancellation No. 92054425**

**Declaration of Stephanie H. Bald**

**EXHIBIT 149**

*Study: Online shopping to increase this holiday national-jeweler.com October 3, 2007*

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**National  
Jeweler.com**  
national-jeweler.com

October 3, 2007

**SECTION:** INDEPENDENT RETAILERS; TOP NEWS

**LENGTH:** 472 words

**HEADLINE:** Study: Online shopping to increase this holiday

**HIGHLIGHT:**

Burlington, Mass. -- More than half of consumers (50.7 percent) expect to complete either some or all of their holiday shopping online this year, compared with 37.6 percent in 2006, according to a new survey by Burst Media.

**BODY:**

Burlington, Mass. -- More than half of consumers (50.7 percent) expect to complete either some or all of their holiday shopping online this year, compared with 37.6 percent in 2006, according to a new survey by Burst Media.

"Consumers are flocking to the Internet, and the Web is now an integral part of their holiday season shopping," Burst Media co-founder and chief executive officer Jarvis Coffin said in a media release. "While spending plans for the holiday season may be lower, the Internet retail space will still experience a huge influx of consumers and their spending dollars."

According to the survey, more than two-thirds (68.6 percent) of consumers polled shop **online**. **Online** shopping is split between those who "**window shop**" only (50.6 percent) and those who do research and make purchases (49.4 percent).

Popular **online window-shopping** activities include researching and comparing features of different brands (54.5 percent), comparing different retailers to find the best price (52.3 percent) and finding the closest store location to make a purchase (33.3 percent). Men are more likely than women to use the Internet to research and compare features of different brands (56.9 percent vs. 52.1 percent).

All age groups shop online (including those ages 65 and older), according to the survey, but use of the Internet as a shopping tool increases with household income (HHI), from 62.3 percent of respondents reporting a HHI of less than \$35,000, to 73.1 percent of respondents reporting a HHI between \$35,000 and \$74,999, and peaking with respondents

reporting a HHI of \$75,000 or more (81.6 percent).

Security concerns are the biggest impediment to online shopping, the survey says, but logistical concerns are also a factor: Seven out of 10 online shoppers (70.7 percent) cite credit card security as their greatest concern when shopping online, followed by the privacy of personal information (60.8 percent). Other concerns include shipping costs (64.6 percent), product-quality issues (52.4 percent), return policies (45.9 percent), shipping issues and delays (45.8 percent) and product availability (34.8 percent).

While increasing use of the Web for holiday shopping is a positive sign for Internet retailers, survey results indicate holiday spending is likely to decline from last year. Among survey respondents, one-quarter expect to reduce spending, 36.1 percent will spend the same amount as last year and only 16.8 percent expect spending to increase.

Burst Media, a leading provider of advertising representation, services and technology to independent Web publishers, conducted the online study in September, polling 2,400 Internet users, ages 18 and older, about their expected use of the Internet for the 2007 holiday season.

For more information about the survey, visit Burst Media's Web site, [Burstmedia.com](http://Burstmedia.com).

**LOAD-DATE:** October 4, 2007

**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
Cancellation No. 92054425**

**Declaration of Stephanie H. Bald**

**EXHIBIT 150**

Global Broadcast Database - English October 11, 2007 Thursday

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Global Broadcast Database - English

**SHOW:** Local News 6:09 PM CBS

October 11, 2007 Thursday

**LENGTH:** 392 words

**STATION:** 12 WDEF  
Chattanooga, TN

**BODY:**

HAD THE OPTION OF ONLINE SHOPPING FOR YEARS... AND NOW TWO LOCAL MALLS GET IN ON THE INTERNET ALTERNATIVE. SHOPPERS CAN GO ONLINE AND RESERVE ITEMS AT LOCAL STORES IN HAMILTON PLACE AND WALNUT SQUARE MALLS. WDEF NEWS12'S BETHANY MOWRY TESTED .... THE EFFICIENCY OF THIS SHOPPING TECHNOLOGY. SEARCHING THE LOCAL MALL FOR THAT PERFECT SHIRT OR PAIR OF SHOES MAY SOON MEAN NOTHING MORE THAN A FEW KEYSTROKES AND MOUSE CLICKS... NATALIE FAULKNER, MARKETING DIRECTOR: 'THIS IS GOING TO BE IN PLACE FOREVER, WE ARE JUST STARTING IT, BUT IT SEEMS TO BE WORKING REALLY WELL.' AS THE SEARCHING IS NOW DONE FROM HOME. HAMILTON PLACE AND WALNUT SQUARE MALLS NOW BOTH OFFER PRODUCT SEARCHES ON THEIR WEBSITES. NATALIE FAULKNER, MARKETING DIRECTOR: 'IF YOU KNOW EXACTLY WHAT YOU WANT, YOU CAN GO ON THERE, LOOK AT ALL YOUR CHOICES AND THEN THEY CAN HOLD IT FOR YOU AT THE STORE, SO YOU JUST WALK IN, PICK IT UP AND THAT'S IT.' TIFFANY WARD, SHOPS MALL ONCE A WEEK: 'CONSIDERING THE WAYS LINES BUILD UP AT HOLIDAY TIMES, I KNOW BECAUSE I USED TO WORK AT A STORE, IT WOULD PROBABLY BE MORE CONVENIENT.' I PUT THE SEARCHABLE MALL TO THE TEST, SELECTING AN ITEM, BROWSING FOR A SALE AND THEN RESERVING A PICKUP TIME. BETHANY MOWRY, REPORTING: 'UNFORTUNATELY, THE ITEM I TRIED TO RESERVE WAS OUT OF STOCK, BUT I DID RECEIVE AN EMAIL TELLING ME SHORTLY AFTER I PLACED THE RESERVATION. SOME SHOPPERS SAY EVEN THAT IS A CONVENIENT ELEMENT TO THE ONLINE OPTION.' TIFFANY WARD, SHOPPER: 'IF YOU COME LOOKING FOR SOMETHING YOU'VE GOT DRIVEN 30 MILES AND IT'S NOT THERE, YOU'VE JUST WASTED A LOT OF GAS.' SOME SHOPPERS SAY THE TECHNOLOGY IS A WASTED ON THEM. AMY WINKLER, SHOPPER: 'TO TELL YOU TRUTH, I DON'T HAVE THE INTERNET, SO I COULDN'T GO ONLINE AND LOOK FOR WHAT I WOULD WANT.' NATALIE FAULKNER, MARKETING DIRECTOR: 'YOU CAN DO IT THROUGH YOUR CELL PHONE TOO, YOU CAN TEXT.' JUST ANOTHER WAY MALLS RAMP UP CONSUMER CONNECTIVITY WITH THE HOLIDAY SHOPPING SEASON APPROACHING. IN DALTON, BETHANY MOWRY, WDEF NEWS12. FAULKNER SAYS THE COMPANY ADMINISTRATING THE PRODUCT SEARCH HAS TESTED THE WEBSITE'S EFFICIENCY. SHE SAYS THEY FEEL CONFIDENT IT CAN HANDLE THE BUSY HOLIDAY SHOPPING SEASON. OUR WEB POLL TODAY ASKS IF **ON LINE WINDOW SHOPPING** WILL CHANGE YOUR HABITS? THE LARGEST RESPONSE FINDS

AMZN000351

ABOUT 35 PERCENT SAYING YES BECAUSE THEY CAN FIND WANTED ITEMS FASTER.  
ALMOST 25 PER

**LOAD-DATE:** October 13, 2007



**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
Cancellation No. 92054425**

**Declaration of Stephanie H. Bald**

**EXHIBIT 151**

Global Broadcast Database - English November 26, 2007 Monday

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Global Broadcast Database - English

**SHOW:** 11:05 AM KXTV

November 26, 2007 Monday

**LENGTH:** 644 words

**STATION:** KXTV  
USA

**BODY:**

THE LONG WEEKEND WILL BE USING THEM FOR SOMETHING OTHER THAN WORK TODAY. RETAILERS ARE CALLING TODAY CYBER MONDAY AND A NUMBER OF ONLINE STORES ARE MARKING THE OCCASION. SEVERAL ARE OFFERING FREE SHIPPING WITH NO MINIMUM PURCHASE. A LOT OF PEOPLE ARE OFFERING THE CYBER SHOPPING FOR THOSE WHO LIKE TO AVOID THE LONG LINES AT RETAIL STORES AND TRIPS TO THE MALL.

[ INDISCERNIBLE ] >> ONLINE SHOPPING IS OFF TO A GOOD START, UP SEVEN PERCENT OVER THAT FORECAST ALREADY. RESEARCHERS SAY AMERICANS WILL SPEND \$33 BILLION ONLINE DURING THE HOLIDAYS THIS YEAR. AND OUR OWN SHARON ITO IS DISCUSSING CYBER SHOPPING RIGHT NOW. >> ARE YOU AN ONLINE SHOPPER? >> I DO LIKE TO DO THAT. >> WELL, WE HAVE A YAHOO!SHOPPING EXPERT, JASON CURRY. HE WAS SAYING THE NUMBER ONE GIFT THIS YEAR, AND YOU MAY HAVE A HARD TIME FINDING IT, UNLESS YOU GO ONLINE, IS THE FRANCE FORMER BUMBLE BEE ACTION FIGURE, IF YOU CAN BELIEVE THAT. IT HAS BEAT OUT THE NUMBER ONE GIFT WHICH HAS BEEN THE NINTENDO GAMING SYSTEM FOR THE PAST YEAR. HE ALSO SAYS SHOPPING FOR CLOTHES IS ANOTHER POP LAP THING ONLINE AND YAHOO HAD A STUDY COMMISSIONED AND FOUND TWO OUT OF THREE PEOPLE ARE ACTUALLY GOING ONLINE THESE DAYS TO DO RESEARCH AND CHECK OUT RETAIL SITES BEFORE THEY GO SHOPPING. SO MORE PEOPLE THESE DAYS ARE EITHER SHOPPING **ONLINE OR WINDOW SHOPPING ONLINE**. BUT WE HAVE A CONVERSATION GOING WITH JASON AND WE'RE ASKING HOW DO YOU KNOW WHEN A RETAIL ONLINE SITE IS LEGITIMATE? IF YOU LOG ON TO NEWS10.NET RIGHT NOW, WE'LL HAVE SOME OF THOSE SAFETY TIPS BUT AS ALWAYS, WE'LL CHECK IN WITH YOU AT THE BOTTOM OF THE NEWSCAST. >> IT IS A GREAT WAY TO COMPARISON SHOP, THAT'S FOR SURE. AS FOR TRADITIONAL STORES, RETAILERS ARE SAYING THEY RAKED IN \$16 BILLION ON FRIDAY AND SATURDAY, UP MORE THAN SEVEN PERCENT FROM LAST YEAR. THIS COMES DESPITE FEARS RISING GAS PRICES AND HOUSING FEARS WILL CUT INTO PROFITS. HOWEVER, STORES DIDN'T TAKE ANY CHANCES, LURING IN CUSTOMERS WITH EXPANDED HOURS AND VERY EARLY-MORNING DOORBUSTER SALES. MAYBE YOU ARE OUT IN THOSE CROWDS? >>> WHILE IT WASN'T PERFECT, THERE WERE A LOT OF TRAVELERS HEADING OWN NATIONWIDE OVER THE WEEKEND. MANY OF THE DELAYS AND LONG LINES EXPECTED DID NOT MATERIALIZE

ALTHOUGH WEATHER DID DELAY FLIGHTS IN ATLANTA AND WASHINGTON FOR A FEW HOURS AND FOG IN THE EAST IS STILL DELAYING SOME PASSENGERS TODAY. IT IS ESTIMATED 38 MILLION AMERICANS TRAVELED 50 MILES OR MORE DURING THE HOLIDAY PERIOD OF WEDNESDAY THROUGH SUNDAY. >>> HOMEOWNERS EVERYWHERE ARE STARTING TO SPRING UP THE HOLIDAY LIGHTS AND GET INTO THE SPIRIT AND THIS YEAR, SOME ARE GOING GREEN. THIS HOME IS DECKED OUT WITH LIGHTS THAT USE LESS ENERGY. THEY ARE CALLED LEDS, LIGHT IVAN EMITTING DIODES. AFTER GETTING A BILL OVER \$100,000 LAST YEAR, HE SAYS THIS IS THE BEST ALTERNATIVE TO LIGHT DISPLAYS. >> GOING LED THIS YEAR. >> WILL YOU SAVE MONEY? >> YES, ACCORDING TO THE BOX, 80, 90%. >> AND SCOTT IS NOT ALONE. ALL THE NEIGHBORS ARE ZESTING UP THEIR DISPLAYS AND ALL FOR ON GOOD CAUSE. ANYONE COMING SEE THE LIGHTS SHOULD DONATE A CAN OF FOOD TO GO TO THE FOOD FAMILIES CHARITY. JUST GO TO OUR WEBSITE, NEWS10.NET AND WHILE YOU ARE THERE, WE INVITE YOU TO CHECK OUT OUR LIVING GREEN SECTION. LOOK FOR SPECIAL REPORTS ON THE LEFTHAND SIDE OF THE PAGE AND CLICK ON THE LIVING GREEN TILE. >>> WELL, IT IS CERTAINLY BEGINNING TO LOOK A LOT MORE LIKE CHRISTMAS AT THE WHITE HOUSE THIS MORNING, FIRST LADY LAURA BUSH ACCEPTED A 19-FOOT FRASIER FIR FROM NORTH CAROLINA. IT WILL BE PLACED IN THE BLUE ROOM OF THE WHITE HOUSE AND 300 ORNAMENTS MADE BY ARTISTS FROM AROUND THE COUNTRY WILL ADORN THE TREE. >>> COMING UP HERE ON NEWS 10 MIDDAY, PRESIDENT BUSH AND SECRETARY OF STATE CONDOLEEZA RICE ARE HOPING TO BREATHE NEW LIFE IN THE MIDDLE EAST PEACE PROCESS. WE'LL UPDATE YOU ON THAT. >>> AND THE SENATE'S NUMBER TWO REPUBLICAN SAYS HE PLANS TO STEP DOWN BEFORE THE END OF THE YEAR.

**LOAD-DATE:** November 27, 2007

**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
Cancellation No. 92054425**

**Declaration of Stephanie H. Bald**

**EXHIBIT 152**

*Holiday Gift Shopping: Get Great Deals Online; Net the best prices and return policies Good Housekeeping December 1, 2007*

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Good Housekeeping

December 1, 2007

**SECTION:** GOOD FAMILY: SAVING MONEY; Pg. 117 Vol. 245

**LENGTH:** 862 words

**HEADLINE:** Holiday Gift Shopping: Get Great Deals Online;  
Net the best prices and return policies

**BYLINE:** Alice Garbarini Hurley

**BODY:**

**The perks of online shopping** are obvious-no slick roads, long register lines, or parking nightmares-but you have to be careful. In your haste to click "complete order," you can overpay or get stuck with the wrong stuff. Here's how to be a smart and safe shopper.

Save Big

**Do online research to find the best-performing products**

<http://www.goodhousekeeping.com> is the go-to site for the Good Housekeeping Research Institute's reviews. Looking for electronics? Try the brand-new <http://www.reviewed.com>, which rates camcorders, digital cameras, printers, and cell phones, and the excellent old standby <http://www.cnet.com>, especially for computers.

**Use comparison-shopping Web sites to snag great deals** These online pages price products from all over the Web. <http://www.pronto.com> is especially comprehensive, with 70 million items from 65,000 online stores. It can call up a list of, say, 4,975 blenders that you can then narrow down by price, brand, and desired features. <http://www.shopping.com> has really helpful consumer reviews. <http://www.thefind.com> tracks the top-selling online styles and brands.

**Search for Web-wide discounts and coupon codes** Stop at <http://www.fatwallet.com> for up to 50 percent off sites ranging from ones for the Apple Store to Banana Republic. <http://www.discountcodes.com> constantly updates the latest coupon codes to enter on the checkout screen at hundreds of e-stores. And if you're fishing for fashion, visit <http://www.reesycaes.com>, which has 600 coupon codes for merchants like Bergdorf Goodman, J.Crew, and Scoop NYC.

**Hold out if you can** The trick is to wait as long as possible for the lowest prices-but to avoid missing an item you really want or ordering so late that the rush-shipping cost cancels any savings. (And be sure to check a site's holiday-shipping cutoff dates: One year, I took

advantage of an e-mail offer and ordered our daughter Holiday Barbie from <http://www.walmart.com>. But we were traveling for Christmas, and Barbie hadn't arrived before we left. In a panic, I found the doll at a store and bought it.)

**Try to get a refund if the present sells for less after you buy it** Sign up at <http://www.priceprotectr.com>, and if the cost of your product drops anytime during the price-protection period after you buy from one of its 46 listed sites, you will receive an e-mail explaining exactly how to get a refund for the item. In a recent *Good Housekeeping* test of five hypothetical purchases, PriceProtectr e-mailed us three price drops—from \$5 to \$85—within a single week.

Stay Safe

**Shop securely** "Don't use public computers in airport lounges or libraries to shop online; people may be able to intercept your credit card information there," says Carol Carpenter, vice president of consumer marketing for Trend Micro Internet Security, maker of PC-cillin software (\$50 a year; <http://www.trendmicro.com>). From home, **window-shop online** at sites you know, or call the phone number at an unfamiliar one to make sure it's legit. Order with a credit (not debit) card. That way, if you do get swindled, you will only be out a maximum of \$50, by law. And don't store your credit card numbers on your computer, where they're vulnerable to cyber-hijacking.

**Look for the lock** A little padlock icon at the bottom right of the Web site's sign-in screen (where you enter your password) and on the checkout screen (where you type in your credit card information) means the site has a secure connection. So it's less likely to be hacked or intercepted. If you see an "s" after the "http" in the Web browser once you're on the page to place an order, that also indicates that the site has a secure connection. If you don't see either the padlock or the "s," it's a good idea to do your shopping elsewhere.

Happy Returns

**Check to see if the site pays shipping charges for returns** Few of them do; that's why many shoe lovers adore <http://www.zappos.com>, which pays for return shipping. <http://www.nordstrom.com> has a reasonable \$5 flat shipping fee both ways; if you exchange something rather than return it for a refund, reverse postage is free. JCPenney, Kmart, and many other retailers let you take back to their stores unwanted items you bought on their sites. But isn't going to the mall what you were avoiding?

**Return unwanted items quickly** Many sites give you just 30 days from the invoice date to return something for a refund. That can be tricky, because if you shop too far ahead and someone doesn't like your present on Christmas morning, you're stuck. When in doubt, order close enough to the holiday so your gift falls within the return window.

**Save the packaging—or beg** At first blush, I loved the pair of designer Keds I recently ordered online. But as my husband and daughter hinted, they did look kind of odd in my size (11). Trouble was, I had thrown out the shoebox lid before checking the return policy's fine print, which stated that the sneakers had to be sent back in the original packaging. So that meant making a phone call and suffering some aggravation. Fortunately, the phone rep said I could return the sneakers sans lid. I won't make that mistake again.

**\$24 billion** What we spent on online holiday shopping last year

**GRAPHIC: PHOTOGRAPH**, Photograph by Lara Robby/studio d

**LOAD-DATE:** January 28, 2008

**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
Cancellation No. 92054425**

**Declaration of Stephanie H. Bald**

**EXHIBIT 153**



*Fresh Thoughts The Indianapolis Star (Indiana) December 14, 2007 Friday*

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The Indianapolis Star (Indiana)

December 14, 2007 Friday  
FINAL EDITION

**SECTION:** EDITORIAL; Pg. 11

**LENGTH:** 931 words

**HEADLINE:** Fresh Thoughts

**BODY:**

A sampling of the best comments of the week from the Editorial Board's college/high school blog.

Thanks, Grandma

Brien McElhatten, Ball State University

I want you all to know about a wonderful woman -- a mother of nine, grandmother of 22 and great-grandmother of 19. Juanita McElhatten was my grandmother -- and a great one at that. I can remember visiting her as I grew up. Nearly every Christmas, her house would be the center of activity for the McElhatten clan and all its offshoots.

The aunts, uncles and cousins would pack themselves into the small house like sardines and catch up. The aroma of coffee would fill the air, cookies and other treats would be spread across the dining room table. She would usually sit in her chair looking at everyone, smiling. She had that wise, old-woman smile, the kind that made you feel comfortable. She could barely keep track of the girlfriends I had through high school and college. But that was my fault more than hers.

She was sweet and altruistic, almost to a fault. But nobody I know had a bigger heart. I can remember staying at her house during my "afraid of the dark" phase. I would fall asleep with the lamp on and she would sneak in during the night to turn it off.

Keeping track of all the grandchildren had to be quite a challenge for her, but she did a great job. She'll be deeply missed by every member of the family and the countless friends she's made over the years. I am unable to attend her funeral service, but this is my way of saying goodbye.

Avoiding the subject of death

Erika Alexander, Martin University

Have you prepared for death? The obvious fact is that we will all meet the Grim Reaper. One

of the best pieces of advice I received is to live as if you are going to die. Most people avoid the subject of death but this leads to families not being prepared when it occurs.

Confusion seems to reign concerning funerals. First, most people are uninformed about the cost. Second, many people refuse to draft a will. I find it sad to see family members bicker over a loved one's possessions. Creating a will would curtail some of that drama.

You should have the final say on the allotment of your resources. What's wrong with planning ahead?

Right on the money

Barrett Tenbarga, Brebeuf Jesuit Preparatory School

The proposals of the Kernan-Shepard government reform commission released this week are right on the money. They call for an update to our antiquated system of local government, which is wrought with redundancy and unaccountability. Proposed consolidations of school corporations and emergency services save too much money and make too much sense to reject. Eliminating townships and having positions such as sheriff, auditor, treasurer and coroner appointed by a county executive are also bold but needed moves.

I understand why some are wary of concentrating too much power in the hands of one individual. But that simply is not the case here. At the federal level similar positions meet minimum professional standards. Following the recommendations of this bipartisan commission will also place taxing power where it should be: in the hands of elected officials. These moves will eliminate an unnecessary layer of government and result in more efficient local government for Hoosiers.

It is time for legislators to enact needed reform and stand up to the entrenched interests of elected officials who benefit from the status quo. It is ridiculous that Speaker Pat Bauer already has pronounced reform as "politically impossible" without even trying. With that attitude, Mr. Speaker, everything is impossible.

Already outdated

Kamilla Benko, Bishop Chatard High School

I am part of a rare and dying species. My family does not have cable. We have never owned cable. Soon, other families like mine -- maybe the 20 or so left in the United States -- will be virtually nonexistent.

After Feb. 17, 2009, all households must switch to digital television as stations will no longer air shows via analog broadcasts. No more bunny ears. If a household does not convert, the only show its members will receive is a snowy blizzard.

But TV is not the only medium going digital; books are, too. Kindle, created by Amazon.com, is a hand-held device that holds more than 200 titles. Soon, people will be "kindling" their English homework. But what do you expect in a society that now has a word in the dictionary that is a combination of letters and numbers? "W00t," an exclamation of triumph used by gamers, was voted Merriam-Webster's Word of the Year.

Sometimes it seems we cannot possibly go further into the computerized world, only to

have this idea broken the next day with an announcement of a new phone-camera-calendar-with built-in-baby-sitter. For the most part, technology improves our lives, but I'll take my time upgrading. After all, as soon as I buy something, it's dated.

The true meaning

Peter Brasovan, IUPUI

It's that time of the year when we're trying to find a perfect gift for a friend or family member. The **Internet** has made "**window shopping**" a lot easier, but it still can be a daunting task. Many times I see people stressed out from shopping.

Has the true meaning of the holidays been lost? For me, holiday season has always been about giving back to one another and letting people know I am there for them. It is a time to spend with families and loved ones.

My challenge to all those overwhelmed by the holidays is remember to stay positive. Sure, it's great to help others, but it is important to take care of your own needs too.

IndyStar.com: For more Fresh Thoughts comments go to [IndyStar.com/opinion/freshthoughts](http://IndyStar.com/opinion/freshthoughts).

**LOAD-DATE:** December 15, 2007

**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
Cancellation No. 92054425**

**Declaration of Stephanie H. Bald**

**EXHIBIT 154**

*Raising the chocolate bar; Give your valentine goodies that look as great as they taste Fort Worth Star-Telegram (Texas) February 6, 2008 Wednesday*

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**Star-Telegram**

Found on DFW.com

Fort Worth Star-Telegram (Texas)

February 6, 2008 Wednesday

**SECTION:** E; Pg. 3

**LENGTH:** 577 words

**HEADLINE:** Raising the chocolate bar;  
Give your valentine goodies that look as great as they taste

**BYLINE:** AMY CULBERTSON, Star-Telegram staff writer

**BODY:**

When it comes to chocolates, the bar has risen considerably: artisanal, high-cocoa-count, single-estate chocolates. Confections infused with pink peppercorns, rosemary, lavender, chipotles; filled with passion fruit mousse or mojito ganache. Gold-leafed, printed with polka-dots and paisleys. Bonbons so delicately wrought that Faberge himself might have had a hand in making them. If you're seeking to sweep your squeeze off his or her feet with sweets on V-day, here are some of the luxe chocolates that struck our fancy this year.

Chocolate sculpture

Christopher Elbow Artisanal Chocolates' sleek Kansas City boutique turns out some of the most elegant chocolates we've seen. Crafted in sculptural shapes, Christopher Elbow chocolates come in flavors such as single-malt scotch and orange-blossom honey caramel. Collections can be had for \$8 for four pieces, up to \$70 for 42. **Window-shop** on the **Web**, [www.elbowchocolates.com](http://www.elbowchocolates.com), then call to order to make sure your chocolates arrive by V-Day (overnight shipping may be required): 816-842-1300.

Sleek treats

For bonbons with an urban edge, turn to NYC's Tribeca Treats bakery, whose V-Day flavors include raspberry chocolate, fleur de sel caramel and Chambord heart truffle. In chic pink faux-reptile packaging, boxes are \$35 for 16 pieces or \$45 for 25 pieces. Web: [www.tribecatreats.com](http://www.tribecatreats.com); to assure availability, order by phone -- call today -- at 212-571-0500.

Fancy shells

New from Godiva this year is a line of light-textured mousse-filled confections in rich chocolate shells, packaged in a ribbon-tied textured mauve hatbox, \$20 for nine pieces and

\$36 for 18. You don't have to pay shipping to get these if there's a Godiva boutique near you (in Tarrant County, at Hulen and North East malls). You can also order at [www.godiva.com](http://www.godiva.com) or

800-946-3482 (standard-shipping deadline, 10 p.m. Friday).

#### Saddle up

What cowgirl could resist Idaho's spicy Cowgirl Chocolates? New this year is a line of flavored chocolate bars; we're particularly charmed by the milk-chocolate sarsaparilla. \$2.50 per 1.25-ounce bar or in various assortments. Also available: Cowgirl heart boxes, a truffle-filled heart purse and a retro lunchbox filled with chocolates. Order by end of day Sunday for standard shipping; [www.cowgirlchocolates.com](http://www.cowgirlchocolates.com) or 888-882-4098.

#### Charged for Charles

Charles Chocolates, based near San Francisco, makes swoon-worthy sweets. There are edible valentine boxes with bittersweet base and white-chocolate lid (\$45 and \$60) and boxed assortments in chocolate-brown and Tiffany blue that Holly Golightly would have approved of (\$30-\$90). The truffles, in vivid flavors such as mint and ginger, just knocked us off our feet. For ground shipping, order by Friday at [www.charleschocolates.com](http://www.charleschocolates.com) or 888-652-4412.

#### Chocolate fest

Fort Worth and Southlake Central Market stores celebrate all things chocolate with a Chocolate Fest happening Friday through Sunday. Expect samples, cooking demos and more, including a chocolate fountain with various goodies for dipping.

From 6:30 to 9 p.m. Saturday at the Fort Worth Central Market cooking school, wine expert Mark Card and cooking school manager Denise Shavandy will lead a class in pairing chocolate and red wine, cooking up a bevy of sweet and savory dishes such as chocolate cajeta brownies and pepper-crust tenderloin with port, shallot and chocolate sauce (\$70; sign up at 817-377-9005).

[aculbertson@star-telegram.com](mailto:aculbertson@star-telegram.com) Amy Culbertson is the Star-Telegram food editor, 817-390-7421

**LOAD-DATE:** February 6, 2008

**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
Cancellation No. 92054425**

**Declaration of Stephanie H. Bald**

**EXHIBIT 155**

*Hard times call for sacrifices The Kansas City Star October 11, 2008 Saturday*

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**THE KANSAS CITY STAR**

Found on KansasCity.com  
The Kansas City Star

October 11, 2008 Saturday

**SECTION:** F; Pg. 1

**LENGTH:** 484 words

**HEADLINE:** Hard times call for sacrifices

**BODY:**

Holiday shopping season is almost here, and I've packed away my credit card.

I typically reserved it for a once-a-month splurge, travel and holiday spending. But my one and only credit card is now safely stowed along with its zero balance.

Americans everywhere are feeling the pressure of economic instability. We're all cutting back.

For the first time in more than a decade, consumer credit has shrunk. The Federal Reserve reported this week that consumer credit fell by \$7.9 billion in August to \$2.577 trillion.

So by spending more cautiously, by holding on to our shrinking dollars, I don't know if we're helping the situation, but what are we supposed to do?

For one thing we make choices. And sometimes sacrifices.

I'm upgrading my living-room furniture, but that means I'll skip my college's homecoming weekend.

It's hard to say when America's economy will rise again. I've been looking at news stories and blogs, and some economists predict there's bound to be growth next year. Others say taxes will rise and the federal deficit could soar.

Because the future seems to be up in the air, we have to be smarter, but we don't need to get drastic. I hear stories of people wanting to take their money out of the bank. I'm not going that far. And I'm still putting money in my 401(k) plan.

I'm taking the spend-a-little-wiser approach.



We can't just go shopping crazy, is what my sister told me. She called two weeks ago to talk about Christmas lists and putting a spending limit in place. She has a new house and a new mortgage. We have to think about what really matters, she said.

For once, we are finally in agreement about seriously kicking black Friday retail madness to the curb. No excuses.

My friends and I also have already decided to cut back on holiday gifting; we're going to draw names, buy one gift and that's it.

Even my favorite spending partner in crime, a co-worker, is on a financial diet. We've both been doing a lot more **Internet window shopping** than actual buying. Coupons, trends and sales no longer entice her to overspend.

I remember one year she bought all of her nieces Ugg slippers (\$70-\$100 each). And that was just one of their gifts. This year she's not going overboard. She's cutting her holiday shopping back by at least \$2,500, she said, and getting creative. The shopaholic is holding back.

Things are ridiculous, she said of the economy. And she's right.

Lines are being drawn between wants and needs. People are learning to live within their means. But we can't be total prisoners of our purse strings. Just because we're facing depression doesn't mean we have to be depressed. We should still find ways to enjoy the fruits of our labor, right?

Now, if I can only figure out how to budget in a creative necessity like a Nintendo Wii.

Jeneé Osterheldt's column runs in FYI on Tuesday, Thursday and Saturday. To reach her, call 816-234-4380 or send e-mail to [josterheldt@kcstar.com](mailto:josterheldt@kcstar.com)

**LOAD-DATE:** October 11, 2008

**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
Cancellation No. 92054425**

**Declaration of Stephanie H. Bald**

**EXHIBIT 156**

Global Broadcast Database - English October 29, 2008 Wednesday

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Global Broadcast Database - English

**SHOW:** KOMO 4 NEWS AT 6 6:37 PM ABC

October 29, 2008 Wednesday

**LENGTH:** 359 words

**STATION:** 4 KOMO  
Seattle, WA

**BODY:**

ALL SYSTEMS ARE GO FOR THE WORLD'S BIGGEST AIRLINE. THAT'S NEXT IN MONEYWORKS. >> Dan: **WINDOW SHOPPING FROM YOUR COMPUTER? THE NEW WEB SITE FROM AMAZON.COM** -

>> Mary: NORDSTROM TAKES NEW STEPS TO LURE HOLIDAY SHOPPERS. THE SPECIAL INCENTIVE FOR ITS CREDIT CARD HOLDERS. >> Steve: I'M STEVE POOL. IT LOOKS LIKE WE'LL BE STARTING OFF THE MONTH OF NOVEMBER WITH A WHOLE DIFFERENT LOOK TO OUR WEATHER. IN NINE MINUTES, I'LL TELL YOU ABOUT AN EVENTUAL RETURN TO RAINFALL AND SOME WIND AS WELL. STAY THERE. WE'LL BE RIGHT BACK. IT'S THE NUMBER ONE ISSUE ON AMERICA'S MIND THIS YEAR. IT'S BEEN THE NUMBER ONE ISSUE ON OUR MIND FOR OVER 40 YEARS. THAT'S WHY I COME TO WALMART. SAVE MONEY. LIVE BETTER. WALMART. Four years ago, these newspapers in Snohomish, Pierce, Clark, and Spokane counties endorsed Dino Rossi. Now all switch to endorse Governor Chris Gregoire for reelection, calling her a no-nonsense hands-on Governor who's not afraid to take on entrenched interests. And all these papers agree, calling Gregoire a champion of education and citing her work on healthcare, jobs, and a rainy day fund. She's a clear choice. Paid for by People for Chris Gregoire, Democrat, Governor. (announcer) TWO WAYS TO FIGHT HIGH GAS PRICES. ONE, COMBINE SHOPPING TRIPS. TWO, SAVE MONEY WHEN YOU GET THERE. THAT'S WHY I COME TO WALMART. SAVE MONEY. LIVE BETTER. WALMART. 3 LATE THIS AFTERNOON DELTA >> Dan: LATE THIS AFTERNOON DELTA COMPLETED ITS \$2.8 BILLION DOLLAR MERGER WITH NORTHWEST AIRLINES, CREATING THE WORLD'S BIGGEST AIRLINE. THE JUSTICE DEPARTMENT SIGNED OFF ON THE DEAL THIS MORNING. THE ONLY OTHER HURDLE: A LAWSUIT BY 28 PASSENGERS WAS SETTLED A FEW HOURS LATER. THE NEW AIRLINE WILL CARRY THE DELTA NAME AND KEEP ITS ATLANTA HEADQUARTERS. INTEGRATION SHOULD BE FINISHED WITHIN THE NEXT 18 MONTHS. >> Mary: **AMAZON.COM** - LAUNCHED A NEW TEST SITE TODAY THAT LETS CUSTOMERS "**WINDOW SHOP**" FROM THEIR COMPUTER. WINDOWSHOP.COM SHOWCASES NEW CD'S, DVD'S, BOOKS AND VIDEO GAMES THROUGH SOUND AND VIDEO CLIPS ONLY. NO TEXT DESCRIPTIONS. EACH SELECTION HAS A LINK TO AMAZON'S MAIN PAGE IF YOU WANT TO BUY SOMETHING. WINDOWSHOP IS UPDATED EVERY TUESDAY WITH NEW RELEASES.

**LOAD-DATE:** October 31, 2008

**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
Cancellation No. 92054425**

**Declaration of Stephanie H. Bald**

**EXHIBIT 157**

*Yang out at Yahoo!; House Maps out Auto Plan; GM Goes Viral; Three Things You Should Know About; Wanted: Budget Master; Window of Opportunity; Euro Markets on the Move; October Core PPI; Banks Bleeding Workers; Firefighters Gain Control in California; Fighting Ethanol Mandates MONEY FOR BREAKFAST November 18, 2008 Tuesday*

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MONEY FOR BREAKFAST

**SHOW:** MONEY FOR BREAKFAST 7:00 AM EST

November 18, 2008 Tuesday

**TRANSCRIPT:** 111801cb.220

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**LENGTH:** 18162 words

**HEADLINE:** Yang out at Yahoo!; House Maps out Auto Plan; GM Goes Viral; Three Things You Should Know About; Wanted: Budget Master; Window of Opportunity; Euro Markets on the Move; October Core PPI; Banks Bleeding Workers; Firefighters Gain Control in California; Fighting Ethanol Mandates

**BYLINE:** Alexis Glick, Connell McShane, Jeff Flock, Ashley Webster, Jenna Lee, Dominic Di-Natale, Rich Edson, Liz Claman

**GUESTS:** Joe Brusuelas, Sam Chandan, Kelsey Hubbard, Michael McCarty, Joel Brandenberger, Bruce Rastetter, Douglas Holtz-Eakin, Eva Manolis, Thomas Harpointner, Emma Crosby, Alan Mulally, Murray Martin, Jim Fassel, Kara Swisher, Michael McCarty, Morgan Reed, Chris Shays, Gregory Markal, John Stoll

**BODY:**

ALEXIS GLICK, FBN ANCHOR: "Breaking News" this morning on "MONEY FOR BREAKFAST" Jerry Yang is out; the news unfolding overnight. Yahoo!'s board of directors now searching for a new CEO after he decided to step down. We're going to take a look at why Yang left, and who might be the next to head the Internet giant.

And to bail out or not bail out; that is the question. U.S. automakers will appear before Congressional leaders today in an effort to get some financial help. What will happen on the Hill? And just how far is GM going to get their needs across to lawmakers?

And it's is the season to shop, how some stores are hoping that time-tested form of advertisement will get people to come in and spend their holiday cash; and how one on-line retailer is putting a new spin on the advertising method.

Today is Tuesday, November 18th, 2008. "MONEY FOR BREAKFAST" starts right now.

Good morning and welcome to "MONEY FOR BREAKFAST." I'm Alexis Glick. We have an action-packed show for you this morning.

But first, let's get started by looking at what happened overseas. How about starting with what happened in Asia; all in the red across the board. The Nikkei down two and a quarter percent; in South Korea the Kospi down almost four percent. And Hong Kong, the Hang Seng down four and a half percent. And the Shanghai Composite down just over six percent.

Let's fast forward to how things are looking this morning. As we speak right now, the DOW is down 126 points, down one and a half percent. The S&P right now also down 16 points, right now down two percent. And the NASDAQ as we speak down 2.4 percent although not the worst of the morning.

All right, let's take a look at the three things you should know this morning.

Treasury Secretary Henry Paulson and Federal Reserve chairman Ben Bernanke go before a House Financial Services Committee today, to face another grilling about the federal bailout plan.

Speaking at the "Wall Street Journal" CEO Council last night, Paulson said he's not likely to tap the rest of the \$700 billion TARP funds for any new programs.

And tens of thousands of workers could be out of jobs if the big three automakers don't get help. The "Wall Street Journal" obtained an internal memo detailing state by state breakdown of Ford and Ford-related workers. The analysis reveals that if Ford goes under, some 3,000 auto part suppliers will see more than 50,000 jobs disappear.

Now the three Detroit automakers go to Capitol Hill today, to push for a bailout.

And in the latest example of the economic downturn in the sports world, Johnson & Johnson has decided to end its Olympic sponsorship after the 2010 games. I'm sure we're going to see more of that.

All right, those are the three things you should know about this morning.

Now, let's go overseas to Ashley Webster for the three things you need to know about in the overseas markets. Good morning, Ashley.

ASHLEY WEBSTER, FBN OVERSEAS TRADING WRITER: Yes good morning, Alexis. And the sell-off continues.

Let's start with the European markets. We've been down since the opening bell. We tried to make a comeback, haven't been too successful so far.

The FTSE 100 here in London down more than one and a half percent; same story in France, down more than one and a half. And in Germany the DAX 30 down two percent.

Meanwhile, Barclays Bank bows to pressure. The U.K.'s second biggest bank says shareholders will be able to buy as much as \$750 million of stock that it agreed to sell to Middle Eastern funds. Now, this move is an effort to appease ordinary shareholders who are angry that Barclays fund-raising plans are diluting their investments. Barclays Board will also put itself up for reelection at the bank's AGM scheduled for April.

Recession, what recession? Luxury goods maker Burberry is reporting the first half profit was up 13 percent after selling more goods at higher prices and cutting costs.

But the maker of the \$2,000 Warrior handbag says, the outlook is challenging and expects wholesale sales to decline calling 2009 one of the toughest years yet.

All right, let's go to Connell McShane for the three market movers of the morning. Connell, good morning to you.

CONNELL MCSHANE, FBN CORRESPONDENT: Well, good morning to you Ashley. More Ford news to talk about this morning; the automaker is going to cut its stake in Mazda to 13 percent owning just over 33 percent of the Japanese car company. So cutting that back, raising about \$450 million in the process to help shore up its finances during the global sales slump that has been hitting all these automakers.

World's largest home improvement chain announcing third quarter earnings a little bit better than expected; 45 cents a share versus the analyst estimate of 38 cents a share for Home Depot. Revenue 17.8 billion in the most recent quarter; estimate was just over 17.7; so they beat on that count as well.

And another earnings report that we're watching out for this morning from high-end retail and Saks, the company known for its luxury Saks Fifth Avenue department store expecting a loss of three cents per share for the third quarter; the expectation is for it to post \$710 million revenue number for the quarter. We'll be taking a look at that one a little bit later on in the show. And what the company plans to do to combat sluggish sales this holiday shopping season.

Those are your three market movers this morning. Alexis back to you.

GLICK: All right, thank you very much, Connell.

Well, Jerry Yang is out at Yahoo!. The company's co-founder is stepping down as CEO. Now, the move comes just months after Yang's refusal to sell the second most visited Web portal to Microsoft for \$47.5 billion. Where does this leave Yahoo and its stockholders?

Kara Swisher broke this story and she's the co-executive editor of allthingsd.com. Morgan Reed is the executive director for the Association for Competitive Technology and Michael McCarty is the chief equity and options strategist at Meridian Equity Partners. And they join us all this morning.

Kara, let me start with you, you broke the story last night. What happened and what led to his decision to finally step down?

KARA SWISHER, ALLTHINGS.D.COM CO-EXECUTIVE EDITOR: Well he decided to step down. He and the board have been apparently working on it for some weeks. I think probably they felt that he couldn't handle the ongoing economic crisis at Yahoo! and at the same time deal with the problems that were persisting before that economic crisis. It's included morale problems, having to the sort of reinvigorate business and internalized the surrounding. And so I think he just felt like another leader could do a better job.

GLICK: So Kara, how much of this is the fact that if in fact Microsoft were to come back to the negotiating table, that the blood or bad blood between Jerry Yang and Steve Ballmer is



still very much within the veins and therefore him stepping aside would perhaps lead Microsoft to go back to the bargaining table?

SWISHER: This is like an episode of "Dynasty" he'd sell the company if he felt that it was the right price at the time obviously looking back he looks kind of bad for not having sold it now at the time the price was much higher.

But I think that Microsoft is not interested in buying Yahoo!. They have said it a number of times publicly, they are interested in doing a search deal or a partnership but Steve Ballmer has taken every opportunity to say he's not coming back to the table. And I don't think it's going to matter who is the CEO of Yahoo!

GLICK: So Michael, what kind of activity have you seen on the options front? And how have this people been setting themselves up to be positioned because we're talking about a bid of \$31. Stock is now trading at \$10.

MICHAEL MCCARTY, MERIDIAN EQUITY PARTNERS STRATEGIST: Well, lately really people have done not much with Yahoo!. Although it seems like every couple weeks we hear -- a Friday afternoon Microsoft or Yahoo! rumor and there'll be some call activity.

But by and large with implied volatilities where they are and with the activity so many other places, people have forgotten Yahoo!.

GLICK: They kind of look at it as dead money I would gather. Morgan, you tell me what does Yahoo! need to do next to turn the story around particularly as advertising revenue is declining and if Kara rightly said and if Steve Ballmer and Microsoft aren't interested, they've got to come up with another game plan.

MORGAN REED, ASSOCIATION FOR COMPETITIVE TECHNOLOGY: Well, you know, if Kara framed it up nicely, and it's important to note that it wasn't just the Microsoft deal that failed under Yang's leadership. It was also a deal with Google deal.

GLICK: Yes.

REED: Exactly, and so this is kind of a two strikes and you are out in the current climate with liquidity as bad as it is. One thing to remember though Yahoo! is a profitable company and with revenues about \$1.7 billion, it's making money.

It also has the most used email address. It has amazing number of assets when it comes to eyeballs who look at the Yahoo! Website. This is more of a question of how do they find a CEO that can move them from these confused position of being somebody to be acquired and move them into a position of either a, finding partnerships, or b, acquiring somebody else that gives them some snap.

You just heard that they are dead money. So what do they need to do to get some snap? And maybe buy somebody else who has some technology that really expects the market.

GLICK: Ok Kara, let's talk a little bit about the sex appeal of the names that are being mentioned one of which is the President and COO of News Corp the parent of this Network Peter Chernin. We've also seen Sue Decker though within Yahoo!, there are other names.

Kara bring us up-to-date on some of those names.

SWISHER: Sure.

GLICK: And who is the best candidate, I mean who would they like to see to take the job?

SWISHER: Well, Peter Chernin is everyone's favorite Internet CEO for some reason and he's actually a very talented executive. But obviously, he'd be the dream candidate. He's got a lot of media and advertising experience and at the same time has a healthy respect for the Internet and a long time executive.

There was just an article in the Los Angeles Times that could have insinuated -- that he's interested in moving on. I'm not sure that more bargaining point at anything else the contract negotiations but you know Decker is the internal candidate. But most people feel that she is not going to getting the job she's very affiliated with Jerry Yang.

And the Board of Directors has to listen to investors and investors really don't like Yang or Decker.

Some other people that were interested is the former COO of Yahoo! Named Dan Rose Wide who is now working for an investment firm who is very well liked within Yahoo!. There's Meg Whitman would be a dream candidate for them, the former CEO of EBay, but she's probably running for Governor on the Republican ticket in California.

And there's lots of others. I was interested very much in Kevin Johnson who is the one that tried to buy Yahoo! when he was a Microsoft executive of sales and left Microsoft and now he's CEO of Juniper Networks. He's worked long really well with Yang despite all those arguments, he's an interesting choice. I think sort of a dark horse candidate.

GLICK: All right, guys, well, what interesting candidates all of those names. Kara I want to thank you for joining us by phone and Morgan and Michael. We'll continue of course to follow this story throughout the morning because it is huge "Breaking News" story.

All right, well, the other top story of the morning is Detroit's big three, CEOs of the U.S. auto industry. They're going to be back on Capitol Hill today to plead their case for federal aid.

So what's in store for them? Fox Business reporter, Rich Edson joins me now from Washington, D.C. with what we can expect. Good morning, Rich.

RICH EDSON, FBN CORRESPONDENT: Good morning, Alexis.

And what they are looking for is a bill to pass that is already written. There was a draft last night, \$25 billion to be taken out of the TARP to be used to loans -- for loans for automakers in the country in exchange for senior stock. During the time of the loan no bonuses could be paid to top executive if it passes and no dividends as well.

Foreign automakers and suppliers are also eligible but a foreign automaker needs to have a plant in this country for 20 years.

So on Capitol Hill today, will be the big three executives testifying. Alan Mulally of Ford, Robert Nardelli of Chrysler and Richard Wagoner of GM, along with Ron Gettelfinger of -- the president of the UAW, and Peter Morici we've had him on the show a number of times. He's, of course, I guess the voice against those automakers.

The case against these loans and another case against these loans comes from the administration. The Bush administration essentially is saying, wait a second. We're really not signing off on this. Take a listen.

(BEGIN VIDEO CLIP)

DANA PERINO, WHITE HOUSE PRESS SECRETARY: We only think taxpayer dollars should go to companies that can show viability and a willingness to make tough decisions to restructure themselves so that they can be successful for the long-term.

So we'll be continuing to work with members of Congress on this. And it will be a short week but a very important week.

(END VIDEO CLIP)

EDSON: Alexis, what the administration is suggesting is using \$25 billion already allocated by the Department of Energy to help these companies retool for cafe (ph) standards and then opening them up for all purpose loans. But in exchange the administration says the company should be forced to restructure.

So quite an argument going on between Democrats and Republicans and throw the administration on top it looks somewhat unlikely that this particular bill will get done before Congress leaves at the end of the week. Back to you.

GLICK: Great point, Rich.

All right, well the House is also working on an auto plan. Last night, House Financial Services Chairman Barney Frank unveiled his own legislation which is similar to the Senate draft but has more detailed reporting and oversight requirements.

Under Frank's proposal, the loans would be made over seven years. That's probably the biggest difference.

For reaction across the aisle, we are joined by Republican Congressman Chris Shays of Connecticut, a member of Frank's Financial Services Committee.

Congressman, thank you so much for joining me this morning.

REP. CHRISTOPHER SHAYS, (R) CONNECTICUT: It is nice to be with you, interesting program this morning.

GLICK: Oh, it is. You know, I have to tell you, Congressman, I don't know if you've had an opportunity to see this. Let me just show this to our viewers, but it is the cover business section today of the "New York Times," and one of the lead stories written there by Andrew Sorkin is the reasons why the company should be forced with the government's help to file for Chapter 11 and a restructuring led by the government.

How do you feel about that option?

SHAYS: Well, there are about 170 of the 345 -- 435 members that have consistently voted over the last ten years for increasing CAFE standards saying, you know, the automobile manufacturers are headed in the wrong direction.

So we finally passed a bill that says 35 miles by the year 2020 when Europe is going 48 miles per gallon by the year 2012. I mean, we just think -- I think there's, you know, a base of people who feel that they are in the dark ages.

So what convinces us that they are going to all of a sudden change their approach, and they haven't done a very good job of that.

GLICK: Yes, I mean, Congressman, here's my frustration and I think the President-elect said it best. I mean, the last thing we want to do is give them a bridge loan to nowhere. And if we don't give them some strings attached, how do we know that they're going to change the philosophy of the industry and in fact restructure?

I mean, when I hear about \$10 billion or \$25 billion at the rate they're churning money, they could be out of that money within months. So how do we put strings attached to these funds if we do it?

SHAYS: Well, when you said extend the loans over so many years, Barney thought by then they'll be out of business. So the bottom line is this, they are going to have a very difficult job convincing members of Congress to go along with this except for the political aspect. And the political aspect is the UAW has strongly supported the Democratic Party for many, many years. And so you're going to have some people who feel that an IOU is going to be collected.

GLICK: So walk me through this, Congressman, because you raise a very important point here, the lobbying efforts have been off the charts. What does a Chapter 11 bankruptcy-like situation with the government getting involved in terms of the debtor situation and stepping in where necessary? What does it do to the UAW contracts? And what does it do to the pension fund liabilities which are apparently to be to the tune of \$14 billion in 2010?

SHAYS: Well, it changes it significantly just like what it did for the airline industry and that would be very difficult for the workers but it would obviously have significant changes to it.

You know, what happened years ago when the UAW and the manufacturers made this agreement that, you know, if there were layoffs, they would get paid. They would be paid not to work. UAW agreed with the manufacturers to post anything that the government wanted that intervened with the decision of the manufacturers and so you've got this alliance between the employer and the employees, but it got them in the wrong direction.

And now, I think you're going to see some people say work it out under a bankruptcy.

GLICK: So Congressman, you walk me through in your mind what is the best or most likely solution that doesn't put the taxpayer dollars at risk, but also that recognizes that this is an industry that has the capacity to build 16 million cars when we're only selling just north of 10 million cars and we may sell even less next year?

SHAYS: Well, I'm surprised they sold 10 million cars. I mean they are basically --

GLICK: It's a one way supposedly.

SHAYS: Ok, it's the cars that Americans are not going to be buying. Obviously prices are going to be coming down on fuel costs, and that may, you know, give some folks a sense that they can buy bigger cars that get bad mileage, but I think most Americans finally said, you know, I want better mileage and they are not making cars with better mileage.

So I think in order for this to really ultimately pass, Barack Obama -- excuse me, President-elect Obama is going to have to explain why this isn't a bridge to nowhere and that it's his imagery that he just described and that's the way all of us feel. And that was a killer politically for a lot of members.

GLICK: Yes, I mean, it's interesting when you mention the CAFE standards because I imagine that is one of the most important measures by which you decide whether or not they get the funds or not, particularly the \$25 billion that's been pre-approved from the Energy Department.

But as many I believe 67 Senators voted on behalf of the auto industry the first time around suggesting that they couldn't handle those CAFE standards even when you signed it into law a year ago. I mean, there were some visibly angry members not only of Congress but of the auto manufacturers. But how much of this is a political ballgame?

SHAYS: Well, I mean, first off, it doesn't make any sense. In a sense our effort to get them to have better mileage would help them compete with the European manufacturers and the Japanese manufacturers who get it, who in their own countries are focused on that.

So, you know, we have a sense they don't understand what makes sense for them. And yet they are asking for \$25 billion. Actually it's not a lot of money in one sense compared to what we're doing elsewhere, but we just don't want it to be wasted.

GLICK: Should Rick Wagoner lose his job if he gets the funds?

SHAYS: I think all of the folks who have been in charge who have made these bad decisions need to be replaced and I think a lot of members feel the same way.

GLICK: All right, Congressman Shays, it's a great pleasure of having you on this morning.

SHAYS: Thank you.

GLICK: Thank you so much for joining us.

All right coming up, we know U.S. automakers are pleading their case on the Hill but they're also pleading their case to anyone on the Internet. Will viral marketing be the answer? We're going to explain.

And Ford's CEO Alan Mulally will join us in just a moment. He'll be doing an interview with Liz Claman live. You will not want to miss that. That is next on "MONEY FOR BREAKFAST."

GLICK: Well, viral marketing helped Obama win the White House and now General Motors is hoping the Internet will help save them.

Take a look at this video. This is a video running on the Internet right now. In fact it is on YouTube. What they are trying to do is figure out how they can send the message not only to lawmakers but also to consumers about the risks of allowing the auto manufacturers to fail.

In fact this video here has received 160,000 views on the GM blogs through YouTube although, some suggest they have fallen short in terms of page searches and things of that likes.

But what about this viral marketing campaign? What does it suggest? Gregory Markal is the president of Infuse Creative and he knows about effective viral marketing. The "Wall Street Journal" reporter John Stoll knows about GM and they are both here to tell us about this new push here to perhaps get the message out.

Greg, let's start with you, how effective is a viral marketing campaign and how do they handle this one in particular?

GREGORY MARKAL, INFUSE CREATIVE PRESIDENT: Well, as simple as it sounds, when a viral campaign works, it works. When it doesn't, it is a disaster. This one in particular I believe was handled very well; I would rate it a 3.8 out of 5.

As of the 17th, they had had 120,000 views, about a thousand ratings and about 743 comments. And it was the number one most discussed video in the autos category at YouTube as well as the 12 most discussed overall at YouTube yesterday. So given the --

GLICK: Right but Greg, I understand they have also made a lot of mistakes. They don't have a search page. I understand when you look at the key word search they're not ranking that well in terms of putting in GM.

There are a couple other weaknesses here. Walk me through what those weaknesses are.

UNIDENTIFIED MALE: Right. So one thing that they could have done a better job on was what we call key word optimization which is the title and the description and the tags of the video itself on YouTube which is including not only relevant but popular and secondary key words to get picked up in search.

The video is a little difficult to find on YouTube. In tests that we ran yesterday, including office members and relatives it took people on the average about three times to find the video via key word search on YouTube. And it also wasn't very searchable at Google from a key word search perspective.

They could have done a better job in terms of key word optimization for search and they could have supported that with page search as well at both YouTube and Google so that the video was found not only by the obvious terms but also secondary consumer related terms like economic meltdown or bailout, etc.

GLICK: Yes, something to that effect.

John, why would General Motors do this video? Is this sort of the last stand to reach the American public?

JOHN STOLL, WALL STREET JOURNAL REPORTER: I think they are doing this video because they can't rely on the media. They can't rely on lawmakers in Washington to effectively tell the story that they have needed to tell and maybe they should have told a long time ago is that they have needed help from the federal government. They feel like things like healthcare, trade, energy policy have been actually stacked against them for a long time. And they have never really broken through to tell that story to the American public.

The big CEO in Detroit is Rick Wagoner; he's been criticized for being too out of the spotlight. He's a nose to the grindstone kind of guy. He's driven that philosophy through the company, that is, you know, deeds, not words. Don't go out there and talk; just deliver.

Well, unfortunately, people have listened to, you know, a lot of the opposition, including people in the media who have, you know, given their products a hard time for a long time. Now they are at the point where they have lost the American public, and I think a lot like Sarah Palin said, they need to go around the filter of the mainstream media, and they need to appeal directly to Americans.

GLICK: I mean, look, you know, John you have been writing about this and talking about this now for months. The cover of the business section of the "New York Times" Andrew Sorkin writes a brilliant article today about having to shut down a government structured bailout in essence to put Chrysler and GM together.

When they go to Capitol Hill today, what do they need to do to demonstrate that this is all worthwhile; that our taxpayer funds should be put at risk?

STOLL: I think the key argument that they are going to bring the jobs and economic impact, the impact to taxes. But the other, you know, the more sophisticated argument right now is an argument that has been taking place in a Detroit for a long time hasn't gotten a lot of legs nationally is this argument that there hasn't been a manufacturing policy aimed at propping up this industry for a long time.

There's been a lot of actually indecision on what kind of nation should we be, should we be a manufacturing nation or a service economy? There's going to be a lot of talk about this nation, a, becoming a manufacturing base once again, and b, propping up the consumer. There needs to be discussion about what the government can do to get people back buying cars. Confidence is shattered right now.

GLICK: That certainly is. And of course, more fears of bankruptcy, people start to question right now do you want to buy a domestic automaker as opposed to an overseas automaker?

Greg and John, guys I have to leave it there. Thank you guys so much for joining us this morning. I appreciate it.

STOLL: Thank you.

GLICK: Coming up, Ford CEO Alan Mulally will be live for an interview in just a short moment with Liz Claman. We will ask him some of the questions as to what he plans to do on Capitol Hill today. That's next.

WEBSTER: Welcome back to "MONEY FOR BREAKFAST." I'm Ashley Webster in London.

Let's take a look at the current European markets continuing on from the sell-off that we saw in Asia. Same story here in Europe. There really isn't a whole lot of news out there to cheer investors. As a result, we're moving lower again. It's really a repeat of Monday. Down one and a half percent on the FTSE 100 in London. Same story in Paris on the CAC-40 and German stocks the DAX 30 down nearly two percent.

In the headlines today the giant Saudi oil tanker seized by pirates in the Indian Ocean yesterday is now nearing the coast of Somalia; that's according to U.S. Navy reports. The tanker called the "Sirius Star" is the biggest vessel ever to be hijacked in history holding a cargo of two million barrels of oil. It's almost a quarter of Saudi Arabia's daily output and worth more than \$100 million.

And in the tech sector, global sales of semiconductors are likely to fall over two percent in 2009; this due to weak demand for electronics worldwide. The new estimate from World Semiconductor Trade Statistics is a striking reversal from its estimate last May which forecast almost six percent of growth in that sector. Top chip giants have all been bracing themselves now for weak computer sales even during the traditionally lucrative holiday season.

Here's an exotic addition to the video game market, National Geographic best known for its yellow framed magazine and nature shows now plans to work with game publishers to turn its materials into games for PCs, consoles and hand-held devices. NatGeo officials believe that their content is "extremely well suited for the global gaming audience" and plans to design games from its broad range of content.

The company's first game has already been released. "Herod's Lost Tomb" is now in free download for PCs, Macs and the iPhone. What a deal.

It is a royal showdown, well, almost. An Arab prince from Bahrain is suing the king of pop Michael Jackson for breach of contract. The royal is charging that Jackson took \$7 million as an advance on an album and autobiography that he never produced. Jackson's attorneys claim the money was a gift between two close personal friends. The Bahraini prince is scheduled to provide details of their relationship in a London court tomorrow. Meanwhile Jackson's lawyer is currently seeking permission to have the pop star testify via video link from Los Angeles at a later time. Very interesting.

You are up-to-date now on the Fox Business Network. For more on the day's top stories, just check out [foxbusiness.com](http://foxbusiness.com). Now let's go back to Alexis in New York -- Alexis.

GLICK: All right, Ashley thank you very much.

Today the CEOs of General Motors, Chrysler and Ford return to Capitol Hill to seek federal aid in saving their companies and the American auto industry. This is turning into a vicious battle between those who say we must save millions of jobs and those who say it is a damaged system that needs to be allowed to fail.

Liz Claman joins us this morning with a one-on-one with Ford's president and CEO. Liz, it's all yours.

LIZ CLAMAN, FBN CORRESPONDENT: Thank you so much, Alexis.

Alan Mulally will head straight to Capitol Hill from Dearborn, Michigan today to argue that the industry must be helped. But he will face more than a few skeptics and he knows it.

Joining me now, live, from Ford headquarters is Alan Mulally. Good to see you sir. Thanks for joining us.

ALAN MULALLY, CEO, FORD: Good morning Liz.

CLAMAN: Well, you either relish being in the hot seat or you cringe about it. As you face the skeptics and the critics, what is the number one message you want to get across to Congress and also to Americans about why the auto industry needs this help?

MULALLY: Well, a few things, Liz. One is that the automobile industry is really important to the U.S. economy, and I really believe we're part of the solution for economic recovery. And



two, I'm really looking forward to sharing with them the Ford story and the transformation that we have been on, the progress we have made, to have a full complement of small, medium and large vehicles that are world class with respect to their quality, their safety, their fuel efficiency, on par and competitive with Toyota and Honda.

And also the fact that where we are in this economic crisis because clearly with the economy degrading and the financial and the credit crisis, we're in a situation that we haven't been in as an industry for nearly 25 years. Our sales are down 45 percent for the first nine months and the run-rate in October is the lowest in 25 years.

So clearly what I want to make sure that we understand is the importance of the industry, the fact that we're creating a relevant and a viable Ford for everybody going forward, we have this near term issue, and we want to make sure that we have access to a bridge loan that if the economy started to degrade even further, that we could access that to keep our investments going and be there for the consumers and be there for the United States economy going forward.

LIZ CLAMAN, FOX BUSINESS NETWORK: I want to show viewers the bill. I'm holding it in my hand. This is what Senator Harry Reid has put forth. It's the Automobile Industry Emergency Assistance Bill. This is what they're going to be talking about today. And I actually read it and understood it which is amazing coming out of Washington, D.C. But some of it pushes very hard on issues like compensation.

Are you, Ford, ready to accept very extreme measures when it comes to compensation as sort of a quid pro quo where you absolutely have to cut all kinds of golden parachutes if you haven't already and make sure that the unions make greater concessions? Do you think you can do that?

MULALLY: No, I understand, Liz, and we have already moved on that aspect of our business plan because clearly when you are in a situation like this, and you want to keep investing and keep the plan going, then we are looking at every element of the cost of the business, and we have already stopped all merit increases.

We've stopped all bonuses, all incentives. And we're doing it that in the most working together way we can because we need the hearts and minds of all the people that are probably doing the best work they have ever done. And we want to, we want to attract a skilled and motivated workforce but we clearly understand the provisions and the conditions, and we're willing to work with the government.

The most important thing we want to do is make sure in all those aspects that we are continuing to have a good business plan, and we are improving our competitiveness because that's the most important thing we can do so that we can continue to operate and continue to pay back the loans if we need them.

CLAMAN: I find that story so fascinating because suddenly the auto industry has become the talk of dinner tables across America. Everybody's debating whether there should be this rescue plan, and I think right now General Motors is the one that's really in that stark harsh limelight where everybody is beating up on them and for the moment Ford is not so much at the forefront.

But I -- need to have you explain to us how the Ford story is different from the General Motors story, because -- for example, today in the "New York Post," Alan, there's an article saying that can you believe the top GM executives are getting four free cars a year

underwritten for a tiny little sum?

And you know people -- it doesn't sit well with people when the auto industry is now going to Capitol Hill asking for \$25 billion.

MULALLY: Well, Ford -- it's just a very exciting story, and as you know, most of my career, Liz, was at Boeing and commercial airplanes. I've dedicated my life to fuel efficiency and capability and getting people to where they want to go safely and efficiently.

And to get a call from the Ford Motor Company and Bill Ford and his vision of a sustainable, fuel efficient, relevant, recyclable cars, full product line serving the customers, that was a very, very compelling vision to me and a reason to leave Boeing and join and help serve at Ford.

And the transformation plan that we put in place is -- I mean it's remarkable because we decided that we were going to complement our leadership in bigger vehicles, in world class trucks that we have had in SUVs, with a full complement of small and medium-sized cars and utilities, and Ford has these tremendous vehicles around the world where fuel prices have been higher.

We have the most fuel efficient, the highest quality, safest vehicles in the world that we're now bringing into the United States that even this week, Liz, we're going to convert one of our first truck plant over to automobile car manufacturing. So this vision of quality and fuel efficiency and safety and a full portfolio of vehicles made with more flexible manufacturing, with a transformational labor agreement that allows us to do this in the United States and do it profitably.

That's a very compelling vision, and we're on that plan. Everybody knows, like you said, that we're making great progress, but we are in a perfect storm right now with the economy and the banks and the credit crisis, so the only thing that we are suggesting which we think is prudent for the United States is as an industry to set aside, to set up these bridge loans that if we need them, we can access them in the near term, pay it back as we get through this cycle but continue to invest in the products that people really do want and value and be part of the economic recovery of the United States.

CLAMAN: Loans meant to be paid back I'm sure; right?

MULALLY: Absolutely.

CLAMAN: OK. Alan Mulally, president and CEO of Ford Motor Company. Listen, we're going to be watching you here at FOX Business for our viewers. And we'll be making sure everybody gets all the latest news.

Thank you for joining us. Thanks.

MULALLY: Thank you, Liz.

CLAMAN: Alexis back to you.

ALEXIS GLICK, FOX BUSINESS ANCHOR: All right, Liz, terrific interview. All right. Well, of course, we'll be watching Capitol Hill today.

Coming up, when President-elect Barack Obama and the new Congress get down to work in

January, they'll have their hands full. That's for sure. How this country's top business leaders are banding together to give our leaders a helping hand at fighting the economic crisis.

That is next when MONEY FOR BREAKFAST returns.

ANNOUNCER: This program is brought to you by.

GLICK: The current credit freeze is hitting companies big and small. Consider postal services giant Pitney Bowes. It recently saw profits plunged 23 percent partly due to its customers' lack of credit which has delayed the purchase of Pitney Bowes postage meters and software.

Pitney Bows CEO Murray Martin is talking about this and other issues at the "Wall Street Journal's" CEO council meeting this morning and in a FOX Business exclusive he joins us from Washington, D.C.

Good morning. Thank you so much for being here.

Good morning.

GLICK: So what are the responsibilities of this "Wall Street Journal" conference that you're participating in with 100 other CEOs is addressing the economic struggles facing this next administration. I imagine there are a lot. But you tell me, what are some of the biggest challenges?

MURRAY MARTIN, PITNEY BOWES, INC. PRESIDENT & CEO: Well, as we look at the current environment, certainly the financial situation is a challenge, and it's one that we're discussing last night and today as to what business can do and how we can work together to help alleviate this situation and bring our economy back into the aggressive form that it has been in the past.

GLICK: You know one of the situations that you have, which is a real anomaly when you consider what has happened in this credit environment, is you've had excellent ratings, you've had terrific access to capital, and very well diversified business, but a lot of the people who purchase your products have not been as fortunate.

How has that changed your perspective on the need for access to credit and where we go into 2009?

MARTIN: Well, as you mentioned, fortunately, we're in a very good position as credit as A1P1-rated company. We have access to credit and are not under a credit crunch, but what it does is it makes us focus on our customers and say how can we offer the best goods and services that generate the most value and help them relieve their cost structure in these difficult times.

GLICK: One of the concerns, though, I have about that when you hear about more announced cost restructuring, more layoffs, we hear about them every day from almost every corporation, is you start to wonder, it's one thing to cost cut. It's another thing to find growth.

And with what is expected to be difficult negative GDP quarters for at least the next couple of quarters, perhaps three, maybe more, how do you get past the message of saying we're going to grow by cost-cutting as opposed to growing because growth is evident in the

economy?

MARTIN: Well, first of all, as you mentioned, you can't grow your business by cutting costs. Costs is really an interim action that you might take to facilitate growth. At Pitney Bowes we're very focused on innovation and we have just launched a whole innovation program across the company because we believe that the true long-term health of the company is on top line growth, not just on managing the bottom line.

So we've brought all our employees together to say how can we deliver more value to our customers? How can we create more innovative products and services and link together the wide diversity of products that we have into new offerings in the coming years?

GLICK: So is some of that productivity or increasing productivity with the people you have on hand? I mean you have 35,000 employees, I believe, from as many as 130 countries. I know you've had to deal with cost-cutting and restructuring as well. But do you get more out of less people?

MARTIN: People can only do so much in a certain time period. What you need to do is to continue to enhance the tools and the capabilities they have, but allow people the opportunity to innovate, allow people the opportunity to change the way they work, how they work, the things that they do, and stop doing things that are not important, but really focus on the customer and focus on the value that we create for the customers and new values that we can create into the future.

GLICK: When you look at the top issues facing this agenda for the President-elect Obama, one of the things that impacts your business is the strength of the U.S. dollar. We saw that in the last quarter.

But what do you want him to address specifically that will affect your corporation?

MARTIN: Certainly the strength of the U.S. dollar had a negative impact on our earnings in the third quarter and as we said, will also in the fourth quarter.

But I think that the basic issue here is that America has to be competitive. We need to be able to compete with other countries in the world. We have to be able to offer the best products and services.

As we do that, we have to look at how we manage all of the things from our healthcare, education, and the development of our country and our people in all sectors so that we are relevant and that we can continue to be the leaders we have been around the world.

GLICK: All right. Well, Murray Martin, Pitney Bowes president and CEO, great pleasure having you with us this morning. I look forward to hearing more about this "Wall Street Journal" conference. Thank you so much.

MARTIN: Thank you.

GLICK: All right. Coming up, raising money in these tough economic times, it is not easy. But former NFL coach, Jim Fassel, is setting new records in fund-raising. I'm going to tell you all about those details ahead and what he might be doing on the field, too, when we ask him some questions about that. That's coming up next.

GLICK: Many charities are struggling during this economic downturn. Last year Americans

gave \$306 billion to charities but with job cuts that figure, it will be hard to match this year.

Former New York Giants coach Jim Fassel, though, is winning in a tough game yet again. He and his foundation are making the biggest charitable donation ever, a quarter of \$1 million to 9/11 charities.

Here to talk about how he did this in these tough times is Jim Fassel, of course, the former head coach of the New York Giants, I'm very excited, and of course, former head coach of Baltimore Ravens.

Great to see you.

JIM FASSEL, JIM FASSEL FOUNDATION FOUNDER: Good to be here with you.

GLICK: So this is such an exciting thing to see at such a difficult time in this economy. First of all, tell me how you started the foundation in the wake of 9/11 and why this is so important to you.

FASSEL: Well, we were all affected at 9/11. And I was over at ground zero about five days after. We just started the season and went over to visit -- they wanted me to come over to say hello to firefighters and first responders.

I got to know some of them. And I -- I couldn't understand how they wanted to talk to me, but they are looking for people, and so I got close to some people. There was a family, the Palumbo -- Frank Palumbo, they had 10 children and he perished there. And I got to know the family. And then I branched out from there.

I just said, you know, like a lot of Americans, never forget these people, never forget to help.

GLICK: And today I believe you've raised over \$1 million, I think the figure I last saw was \$1.1 million. But today you're going to make a big announcement and give the biggest amount of funds you've ever given. Tell me about that announcement.

FASSEL: Well, we're going to give \$250,000 to five different charities. First responders and the heroes, the wounded heroes and stuff, and they need to help. What you just started out saying is exactly right.

Right now in our economic tough times, charities are having a hard time raising money, and I thought, well, you know what? If I really follow through with my pledge never to forget, it's time to up the ante and step up and give some more money, because we continue to raise funds and we put it away.

This will be forever, this fund we have set up, and that we can give off the money that it increases in some donations, but I thought it was time to step up and not forget those people even though we're all having economic tough times.

GLICK: You know, I know today you're going to be standing on the podium with the likes of George Martin who has walked across this country speaking very passionately about this conversation, former running back, Tiki Barber. You're standing there with a lot of people who feel very, very passionately about this.

What is the message to people at a time like this in this economic climate, don't forget that

we're -- still need to passionately help people?

FASSEL: Well, exactly, because there's so many people that are still affected by it. The first responders are having huge health problems, and we got to -- we're still helping children that lost their father or their mother or both and training the wounded warriors.

I mean, these guys come back, and they are missing an arm or a leg and retraining them so they can be a useful employee to somebody, and we can't forget, we said that, and a lot of people in America said it, we will not forget.

And in these economic tough times, those people still need our help more than anything. So that's why we've got to step up and give more money.

GLICK: All right. You know, I need to switch gears. I'm very proud of you in all that, but you know I'm obsessed with football.

(LAUGHTER)

FASSEL: I couldn't tell.

GLICK: All right. I understand that you're good friends with Al Davis, maybe sending a little note to each other a little bit about the Raiders.

FASSEL: Well, I'm not going to go anywhere without anybody asking me.

GLICK: You -- I'm not letting you out of the building until you tell me.

FASSEL: OK.

GLICK: Are -- I mean are you up for the job? Would you be interested?

FASSEL: Well, you know, I do broadcasting on national Sunday night games. And I'm really enjoying it. I sleep a lot better. Blood pressure is down.

GLICK: But you're not answering the question. I'm going to drill on it.

FASSEL: No, here's.

GLICK: Come on. You wouldn't (INAUDIBLE) to the job?

FASSEL: I know Al Davis. I worked for him. He was very good to me. We had no problem, I had no problem working for him. I could go to work for him again. I communicate with a lot of people in the NFL by phone, by e-mails, by letters.

GLICK: How would you change the team?

FASSEL: Well, I haven't evaluated that. I -- don't -- my son is coaching there, he's an assistant special teams coach. So I follow the Raiders pretty tightly because my son's coaching them.

GLICK: A lot of talk also about the Detroit Lions. They're not having a great year. Would you consider that?

FASSEL: You know, I'll tell you, Alexis, any team that's down they are always supposedly looking for a coach. Bottom line, at the end of the season, all those people who would try to find and -- from a coaching standpoint, you got to know if it's the right fit for you.

Not every job is for me, not every job is for somebody else. And you try to get the right fit and -- work with management, ownership and turn things around. I know when I came to be the head coach of New York Giants, everybody said don't do it. They don't have a good football team. The salary cap is in trouble. And the media will beat you out.

GLICK: And you went to the Super Bowl the first year.

FASSEL: No, fourth year.

GLICK: Fourth year. Wait a second. That's right. I'm -- boy, I got the fast forward. I think they did win just before you, I think

OK. So Jim, seriously, Super Bowl picks. I said to you before I can't believe how good the Giants look. Is this the Giants -- I mean, or with the Titans, I mean, you tell me.

FASSEL: Well, I tell you right now the way the Giants, and I did their game last week against Philadelphia and they were impressive. And I think the cornerstone of that team is offensive line. They are manhandling people.

I mean I've never seen Philadelphia Eagles pushed around like they pushed them around. (INAUDIBLE) who's going to stop them because they're running the football and Brandon Jacobs is playing some defensive plan well. They're not making mistakes. I think they're going to be -- I don't know who in the NFC is going to stop them.

GLICK: Yes, that earth, wind and fire against those Baltimore Ravens, that looked pretty good, let me tell you.

FASSEL: Yes.

GLICK: All right. Jim, it's great seeing you. Thank you so much for coming to see - you know, only people know here how obsessed I am with football. So I was so excited to see you. And congratulations on what you're doing. It is a wonderful thing.

FASSEL: Thank you. Good to be here with you.

GLICK: All right. Coming up we're going to head back to the pit and we're going to talk about the big insider trading story. It involves Mark Cuban. It is a shocking story. We'll talk about that coming up next.

And be sure you listen to us on FOX Business on XM Satellite Radio. We're on channel 136. And we'll be back in just a moment. Don't go anywhere.

GLICK: Welcome back. We are "In the Pit." We're bringing Ashley Webster in from London, and Jim, Ashley -- this is Jim Fassel, by the way.

Ashley is a Tennessee Titans fan and every Sunday he e-mails me to remind me that his team is undefeated.

Ashley, here's your opportunity. Kerry Collins' first coach. Would you like to ask him any

questions?

ASHLEY WEBSTER, FOX BUSINESS OVERSEAS MARKETS EDITOR: Well, yes, I'd like to ask the coach, you know, what did he -- what is the difference -- what's -- why is Kerry Collins playing the way he is? Is Jeff Fisher a big part of this or is he just surrounded a very good team?

FASSEL: I can barely hear him but it's not how wise -- how Kerry Collins playing as good.

GLICK: Why is he playing so well, is it Jeff Fisher or that, you know, that he just got a great line?

FASSEL: Well, I think bottom line is he's playing around a good football team. I mean he's playing in a good football team, and Kerry is a very good quarterback. He's the most underrated guy, I think, in the whole NFL.

He's playing outstanding right now. And he's got a good run game, he's got a good defense. And all he's doing is just not making mistakes and people devalue that. That's very valuable if you've got a quarterback who part of the process, but he was out throwing interceptions and stuff, they'd really be complaining.

But Kerry is an outstanding quarterback and he's right where he should be, on a good team and starting.

GLICK: You know, just to switch gears for a second, guys. There is this huge Mark Cuban story about, you know, the SEC investigating insider trading.

What do you make of this, I mean, the fact that he had inside knowledge about a private placement, perhaps sold his shares the next day.

CONNELL MCSHANE, FOX BUSINESS ANCHOR: Right. Supposedly got a call from a CEO and then talk or prevented losses of \$750,000 for somebody who's worth probably about \$2 1/2 billion will end up probably if it's true being a bad decision.

If it was interesting because Mark Cuban is among the most accessible people in the world. In other words if you e-mail Mark Cuban about it, and I have done this about stories and stocks, whatever the case may be, usually he responds right away. And yesterday, suddenly Mark Cuban was silent until he responded on his blog saying the allegations aren't true.

So, you know, like anything else, they'll just let it play out and see what happens here because it seems like there's another side to the story. (INAUDIBLE)

GLICK: Jim, do you actively trade in the markets? I mean do -- you know stories like this, they make you nervous, I mean I -- I stay away from trading stocks.

FASSEL: I do, too. You know what, I tell my financial people, listen, I got have a busy schedule, I want to sleep at night. So don't get me into funny deals. Football occupies way too much of my time.

GLICK: Yes, that's a good answer. I do same thing. I'm not a big -- were you a big stock.

MCSHANE: No.



GLICK: I never was, even when I was on Wall Street, I couldn't for many reasons, but you know, sometimes, I think, just mutual funds, exchange traded funds, a little safer.

All right. Ashley Webster, it was your moment. He's going to be so excited that I talked to you.

All right.

(CROSSTALK)

GLICK: Yes, it doesn't mean the Jets are going to be beat the Titans, yes. You two can argue about that in the opening bell.

WEBSTER: 16 and 0, baby. 16 and 0.

GLICK: Oh my lord. All right. Coming up, it's the season to be shopping. We're going to take a look at how some stores are relying on an old advertising technique to get people to come into their stores and spend, spend, and spend.

And spending is one thing President-elect Barack Obama may not be able to do when one of his most important positions takes office. We're going to look at possible candidates for the position that will help him create his budget.

Jim Fassel, thank you very much for joining us.

FASSEL: Thank you, good to be here.

GLICK: Great seeing you.

FASSEL: Yes

GLICK: Good morning and welcome to hour number two of MONEY FOR BREAKFAST. I'm Alexis Glick. We have an action-packed hour laid out for you. We're going to look at filling a key role in Mr. Obama's Cabinet.

Also we'll talk about the time such a form of advertisement in holiday windows and the producer price index numbers come out at 8:30 Eastern Time. But first let's get a quick look at the markets.

Overseas in Asia, it was all in the red, everywhere. From Nikkei, the Kospi in South Korea, to the Hang Seng in Hong Kong, to the Shanghai, all down anywhere from about 2-1/2 to down 6 percent. Pretty ugly.

Taking a look at what's happening here in the U.S. futures, we're down 117 points, down 1.4 percent. The S&P is down 1.75 percent. The S&P right now -- I'm sorry the NASDAQ is down just about 1.8 percent. Although not the lows of the morning.

All right. Let's get things started this morning with the three things you should know.

Yahoo! announced late last night that its co-founder and chief executive officer Jerry Yang will step down after the company finds a replacement following a tumultuous tenure that included a rejection of Microsoft to buy the company.

We're going to have much more on this story coming up.

Plus, the CEOs of the Detroit auto companies will be on Capitol Hill today. The big three and the United Auto Workers Union are making their case for an industry bailout. This will occur at a Senate Banking Committee hearing. The automakers say that without federal aid, bankruptcy for at least one of them may be inevitable and tens of thousands of workers could lose their jobs. Fox Business will have live coverage of the hearing later today.

And a new survey is showing that primary care doctors in the U.S. feel so overworked that nearly half of them plan to either cut back on how many patients they see or quit medicine all together. Now the study was conducted by the Physicians Foundation. It also shows that 60 percent of the 12,000 doctors polled would not recommend medicine as a career. Not good.

All right. Those are the three top stories you should know about this morning. Now for the three things you need to know about in the overseas markets. Ashley Webster has the latest from London.

Good morning, Ashley.

ASHLEY WEBSTER, FBN CORRESPONDENT: Good morning, Alexis. And good morning, everybody.

Well, the sell-off continues on the European markets. Continuing on from Asia. Although we seem to have hit some sort of floor here. We're still down 1.5 percent on the FTSE 100 in London. Down about the same in France on the CAC-40. And German stocks also off about 1.5 percent.

In news today, a Dutch insurer wants the help of the U.S. government. According to a Dutch newspaper, Aegon is requesting a capital injection from the U.S. government of over \$1 billion. The report says Aegon has applied for savings bank status to qualify for the support. Meaning it will also have to acquire a small bank. The insurer has already received nearly \$4 billion from the Dutch government.

Meantime, a life line for Italy's national airline. An Italian newspaper is reporting that Air France KLM will buy a 20 percent stake in Alitalia for about \$250 million. A group of 16 Italian investors is still ready, reportedly, to buy a majority stake in that airline. The report also says that German carrier Lufthansa is also still interested in forming an alliance with Alitalia.

Now let's go to Connell McShane for the three market movers of the morning.

Connell.

CONNELL MCSHANE, FBN CORRESPONDENT: Plenty of movers to talk about today, Ashley. Good morning.

And we're going to start with some breaking news. The earnings report coming out from the high-end retailer Saks. It was expected to lose money and it did in the third quarter. The results are just coming in to us right now and a loss of 31 cents a share has been reported by Saks. You know, that works out to certainly a much wider loss than had been forecast, if it's comparable to analyst estimates, because the analysts had been looking for a 3 cent a share loss.

A company that's been beat up certainly by the slowdown that we've seen in the economy. And its sales number did come in below expectations as well. \$698 million for Saks in third quarter sales. That's below the more than 700 million that the analysts on Wall Street had been looking for. The stock price is one that so far this year, just this year, that stock chart tells you the story, is down more than 80 percent. So again, a third quarter loss has been reported at Saks. Keep an eye on that stock today. SKS is the ticker.

More breaking news that we want to get to is just coming in, in the technology arena, from Hewlett-Packard, announcing preliminary results for its most recent quarter, as well as an outlook. And the headline, as I can tell it, and there will be more of this to come throughout the morning, is that Hewlett-Packard is saying its full year earnings for this year -- its full-year earnings could come in below -- and this is for 2009 -- fiscal 2009 -- could come in below the analyst expectations. Hewlett-Packard giving a guidance of between \$3.38 and \$3.53 a share. The expectation is at \$3.86 a share. It's also breaking it down on a quarterly basis.

But again, the headline from Hewlett-Packard is that full year earnings could come in below expectations. This is a stock that's down more than 40 percent this year to close out at \$29.34 a share in yesterday's trading. So watch Saks and watch Hewlett-Packard, both coming in with some numbers. The Saks numbers we expected. The HP numbers coming in as a preliminary result and also guidance going forward.

Finally mover number three today will be Home Depot. A \$20 stock at yesterday's trade. We're watching it go up a little bit in the pre-market. It's actually higher by just about 1 percent after reporting profit of 45 cents a share the most recent quarter. Thirty-eight cents a share was the expectation. Revenue 17.8 billion. That also was a little bit better than expected, although Home Depot, like many other companies that we're seeing, guiding a little bit lower on its sales going forward. The guidance, though, not enough to knock down the stock. At least not yet.

So those are your movers. Again, we have breaking news, Alexis, on Saks and on Hewlett-Packard. Doesn't look to positive on either front there.

GLICK: No.

MCSHANE: And Home Depot really wasn't great, even though it beat expectations. Back over to you.

GLICK: Yes, some disappointing news. All right, Connell, we'll cover retail in just a moment. Thank you so much.

Well, President-elect Barack Obama will face a nearly \$850 billion federal budget deficit when he takes office in 62 days. A key figure in helping him manage that daunting number is the director of the Office of Management and Budget, responsible for devising the president's annual budget to Congress. So who's best qualified to handle the government's staggering debt? Well, Douglas Holtz-Eakin is the ex congressional Budget Office director and former advisor to GOP presidential nominee Senator John McCain.

Douglas, great to see you.

DOUGLAS HOLTZ-EAKIN, FORMER SR. POLICY ADVISOR TO JOHN MCCAIN: Good to see you, Alexis. Thanks for having me.

GLICK: It's nice to talk about something completely different here. But, all right. I'm going to put you on the hot seat because we have heard about four top candidates perhaps for the OMB director. For people out there, let's explain most importantly, what is the responsibility and why is this position of the Office of Management and Budget so crucial for this term?

HOLTZ-EAKIN: Well, I think this is a really important appointment. The director of OMB prepares the budgets. Budgets are policy. So everything the new administration wants to accomplish on The Hill is going to be embedded into its budgets.

It's also got an imminence name. And the management role is very important. It has oversight over all the agencies. It's going to be in there evaluating whether programs work or don't work. And if we're going to have a trillion dollar deficit, it's going to be a very tough fix to get things back on track. You're going to have to look at every program pretty carefully.

GLICK: All right. Let's take a look, Douglas, at some of the names that we're talking about here. One of which is Republican Congressman Jim Cooper, which is a very interesting selection since they have some ideological differences. Jason Furman, of course, is one of his economic advisors. We've also heard about the current budget -- I'm sorry, the current OMB director, Peter Orszag. And we've also heard about Jack Lew, who came from the Clinton administration. Walk me through some of these names. And which ones do you like the most?

HOLTZ-EAKIN: Well, I think if you look at the criteria you like in an OMB director, I mean, number one, they have to be someone that the president backs. If the president doesn't back the OMB director, they don't really have any effective power. People go around them. It's over.

They also have to flexibly be willing to defend the taxpayer at every stage in the budget process. And that means saying no. And that means being willing to be unpopular.

So if you look at someone like a Jim Cooper, an elected congressman, I think two things stand out. Number one, he's been a pretty prominent critic of the outlook on the entitlement programs. That's sensible. But his solution has been to go to a commission and have them solve the problem. Basically saying Congress can't handle it. I'm not sure that's the message you want to send to your Democratic colleagues of you're the Obama administration. It's also a little tough for a congressman who might want to have a future to really be the bad guy. So it's tough for someone like that.

Someone like Jason Furman or Peter Orszag, I think it's clear they have the intellectual command of the issues. They probably have the backing of the administration. Certainly Jason's worked on the campaign. There is a question about their management ability. And, you know, this is a large agency. It's going to oversee things like the Defense Department, where traditionally OMB's gotten rolled by the Defense Department. You know, how do you handle that? It's tough for someone like that.

The only one on that list who's done this job before, Jack Lew, who was a Clinton administration OMB director, knows the job. The question there I think is really the, you know, how many times does Obama go to the Clinton bench to fill his administration? And the fact that Jack Lew's close friends with John Podesta probably helps.

GLICK: Yes, and I'd imagine the role or the ability to say no is crucial in this job. And the

perception is that Jack Lew could be that guy.

HOLTZ-EAKIN: I think certainly. He's done it before. Whatever you want to say about the Clinton administration, there was an era there when we actually balanced and even ran surpluses. That was a high water mark for OMB. He was there during that era. He understands how to say no, both internally -- I mean you have to look at, you know, other cabinet agencies, prominent political appointees. Imagine if Hillary Clinton is, in fact, the secretary of state. You've got to say no to Hillary Clinton's budget requests sometimes. Tough job and he's done it before.

GLICK: All right, Douglas, you know I've got to switch gears for just one second. We understand that Senator John McCain and President-elect Obama met I believe it was yesterday or perhaps the day before. I'm losing sense of my days here. Is it Tuesday? I'm sorry. You know, it's the job hazards.

They met. They talked about a lot of things. Apparently it was a very good meeting. And they talked about working together. Particularly address something that you've talked a lot about, which is all that pork barrel spending and making sure they remain very tight and very aligned. What do you think comes out of this meeting and why was it so important?

HOLTZ-EAKIN: I think this is a very important meeting. I mean, number one, the message that came through was from the voters, in every town hall during the campaign was, you know, we're really sick of what's going on in Washington and things have to be different. And this was a meeting that was about going forward in a more bipartisan fashion, trying to find places of agreement where Senator Obama, soon to be the president, and Senator McCain can find constructive engagement.

The whole issue of earmarks and pork, I think, is going to be a tough issue for the Obama administration. And, you know, this is something that's got to change. It's something that has corrupted the Congress, both in its budget practice and actually congressmen going to jail. Senator Obama introduced bills as senator, but he's now as president going to have to reign in his Democratic colleagues on The Hill. That's a tough job. If he had, you know, the sheriff of the Senate, John McCain, helping him out, it might make it a little easier.

GLICK: All right. Well, I'm sure you're somewhat relieved, maybe a little bit upset, but you're probably getting a chance to sleep in your own bed, like Senator McCain and President-elect Obama. And at the end of the day, that might be something really good to get excited about, right?

HOLTZ-EAKIN: Yes. Well, unlike you, I now know what day it is. So it's a big improvement.

GLICK: You probably didn't on the campaign trail.

HOLTZ-EAKIN: Not a bit.

GLICK: All right. Douglas Holtz-Eakin, as always, wonderful pleasure seeing you. I look forward to having you on the show many more times in the future.

HOLTZ-EAKIN: All right. Take care.

GLICK: All right. Well, let's go over to Connell McShane. He's got -- actually, Connell, you have an update on HP, I understand, Hewlett-Packard.

MCSHANE: Which is actually pretty good news, Alexis. And looking through these details and more, extended detail, the non-GAAP number, the outlook on a non-GAAP basis is actually above expectations. And as investors digest this, the Hewlett-Packard stock price is now starting to shoot up in pre-market trading. And with that we're seeing those futures trim some of their losses.

It was interesting, I told you about the outlook of 3.38 to 3.53. Now that would have been below expectations. But non-GAAP, the number is actually 3.88 to 4.03. That's above expectations for the full year. Hewlett-Packard saying because of the challenging environment, it decided to announce these results, which actually appear to be pretty positive results, a little bit earlier than they were scheduled to do.

Showed you the futures there a moment ago. Not down as much as they were earlier. And that Hewlett-Packard stock price, which closed at 29.34 in yesterday's trading, well, Hewlett-Packard is really starting to shoot up now. It's up to \$32 and change in the pre-market. So it's up almost 10 percent just like that. It took investors a few minutes to digest this news and, once they did, we have the stock up just about \$3, which is quite a gain for Hewlett-Packard. So it's not much times here in recent days that we've seen any kind of company with any kind of exposure to the consumer marketplace with good news and it looks like Hewlett-Packard has given us that this morning. We'll keep following that.

In the meantime, Saks Fifth Avenue also just reported its numbers. Didn't quite come in, in line with expectations. Reported a loss, in fact, in the most recent quarter. But they're hoping the holiday season is going to help to turn things around. We're going to take a closer look at that and how they plan to lure shoppers into the store.

And we're just minutes away from the economic data on inflation, Producer Price Index. We'll look ahead to that as well as MONEY FOR BREAKFAST returns.

Futures cutting their losses here on a better than expected outlook from Hewlett-Packard. Much more still to come.

GLICK: For more than a century, holiday windows at department stores have been drawing crowds across the country. Retailers hope those crowds will make it into stores and actually buy some of the merchandise. The Fox Business contributor Dominic Di-Natale found out that it may just be a Christmas wish. And Dominic is joining us now.

But they normally are so beautiful. You go to Saks Fifth Avenue, or to Macy's. But not so good this year?

DOMINIC DI-NATALE, FBN CORRESPONDENT: Not so good this year. You know, let's go back to, believe it or not, 1879, when a guy called Harry Gordon Selfrig (ph), the American retail magnate, decided that storefronts should be a scene of theater, an absolute spectacular. Well, that's certainly true today. So I hit Fifth Avenue to see how retailers are coping with the drama the is recession. Take a look at this.

(BEGIN VIDEOTAPE)

DI-NATALE, (voice over): The store fronts are full of tempting delights right now, but it's getting people inside that's the trick this year.

UNIDENTIFIED FEMALE: I was on the mission of getting a gift for someone in a certain price range and I couldn't find it.

UNIDENTIFIED FEMALE: I feel badly for everybody. The stores are not doing well.

DI-NATALE: How much are you going to spend this year?

UNIDENTIFIED FEMALE: A lot less than last year.

DI-NATALE: It's healthy (ph) child's play, attracting shoppers to the likes of Lord & Taylor. Many people we saw simply looked and liked, but walked on, not in. And that's even when curiosity gets the best of them.

With just 37 shopping days until Christmas, the holiday's retail season is in full flow. But you won't know that from Saks here on Fifth Avenue. It hasn't even finished dressing its windows yet. And by the looks of it, it's going to be another 24 hours until the public can see what they've got on offer. And that means another 24 hours of potentially lost business.

So what about a bit of **window shopping online?** Amazon's stolen facade effects of the street stores and made it virtual. Is it going to lure the spenders away from the real thing?

UNIDENTIFIED FEMALE: It would appeal to me. I enjoy shopping online. I like shopping.

UNIDENTIFIED FEMALE: There's nothing like coming down to the actual store and seeing the windows. It's kind of a tradition.

DI-NATALE: As always, someone crying out for festive contributions. This year, retailers may well be doing the same.

(END VIDEOTAPE)

DI-NATALE: And it is a tough time on Fifth Avenue. And, of course, the reason for that, Alexis, is primarily because of the job losses in the financial sector. The top tier of the retail sector is the one that gets hit first. People stop spending on the expensive goods and start spending on the lower goods. So maybe the lower end of the retail market might do better this season. It's going to be tough for Fifth Avenue.

GLICK: Yes. And when you look at the Saks numbers this morning, I mean, that tells the tale, doesn't it?

DI-NATALE: Absolutely. Last year -- this time last year it had a profit of \$17. You know, that loss of 31 -- sorry, 17 cents. Let me get that right.

GLICK: Seventeen cents, yes.

DI-NATALE: The loss of 31 cents just shows how much pain they're actually going through out there.

GLICK: And you imagine how much worse it's going to get. Not good.

DI-NATALE: Absolutely.

GLICK: All right, Dominic Di-Natale, thank you very much.

We'll send it over now to Connell for much more on the whole window shopping story.

MCSHANE: Yes, I want to pick up on what Dominic brought up there, Alexis, in terms of online and what's happening there. These displays certainly are branching out in the virtual word. As he mentioned, Amazon.com has rolled out this windowshop.com. It's an attempt to try to lure in shoppers and, you know, bring them in, get them to shop online after they kind of see what they're dealing with here.

So how is it going to work? How is this going to actually payoff this holiday shopping season? We're going to talk to Eva Manolis about it, Amazon.com's vice president of retail customer experience. And Thomas Harpointner happens to be with us as well, CEO of AIS Media.

Welcome to you both.

And, Eva, to you first on this idea of virtually shopping online. Dominic showed us a little bit of this site, windowshop.com. What's the point of it? Why would someone want to do this?

EVA MANOLIS, AMAZON.COM RETAIL CUSTOMER EXPERIENCE VP: Well, we are constantly innovating for our customers. So with Window Shop, we aim to create an immersive shopping experience that was really fun and fluid. And it lets people really experience the products.

MCSHANE: Yes. So I've played around with it a little bit, and we'll get Thomas in on this in just a moment, but why isn't it integrated better into the Amazon site? In other words, go to amazon.com and it's hard to find how I would get to windowshop.com or, you know, why aren't the two working together a little bit better?

MANOLIS: Well, we started with an experiment with Window Shop. And it's a place where we're going to be publishing best-seller lists and our editorial picks every week. So we publish new movies and music and video games to the site every Tuesday. Once we saw how the customers received it, we launched it in September. We are bringing it back to Amazon.com.

So if you take a look at Amazon.com/holidaytoylist, you'll see a very similar experience there where we're featuring over 300 of our top toys for the holiday season. Includes toys and video games, some consumer electronics and really great gifts for the holidays.

MCSHANE: All right. You're doing it in an environment, no doubt and Thomas I'll get your take on this. Doing it in an environment that's a tough one, as Alexis was talking about, for holiday sales no matter how you slice it. Even though Hewlett-Packard actually came out just a moment ago with some encouraging numbers, actually, which is rare. But, you know, what's this holiday season going to look like, do you think? I mean I realize some of the numbers project better online than brick and mortar shopping. But still, it's got to be pretty tough out there, right?

THOMAS HARPOINTNER, AIS MEDIA CEO: Well, competition is fierce this holiday shopping season. The great news for retailers that have a very effective web presence is that e-commerce is growing at about 12 times the rate as regular retail. So for websites that are e-commerce enabled and are doing a great job at attracting consumers, it's not quite as bleak. For . . .

MCSHANE: Well, that's saying, the regular retail's basically not growing at all. I mean the numbers have been brutal. Just about, again, a few exceptions out there. But that -- so the



idea is here, if anything is going to be salvaged, to your point is, Tom, is if anything's going to be salvaged this year, it will be online because everything else is just a mis, is that right?

HARPOINTNER: Yes, that's absolutely right. I mean retail is about flat. It's growing at about 2.2 percent this year. And consumers are bargain hunting. They're using the **Internet** as their primary way to **window shop**. So for every dollar they're spending **online**, they're spending about -- the Internet is affecting about \$3 off line. So the Internet is a great way for retailers to drive traffic directly to their physical retail stores. Using services like e-mail marketing isn't just effective to drive traffic to the website, but also to drive them directly to the store.

MCSHANE: And if you're Amazon, Eva, you don't have a store so to speak. So I guess, again, on a relative basis, you're in a better position, right, because you don't need people to go in and actually go into a door and do some shopping and get out and do it. You're hoping that this is the Christmas for online shopping. I wonder if it will work out that way. What's the outlook at this point? How negative versus positive is it?

MANOLIS: Well, you know, it's a great time for online shopping. As you mentioned earlier, customers get to compare prices and amazon has been really obsessed. We've always been obsessed with driving to the lowest prices for our customers. We've got such a great selection, you can really find just the right thing.

MCSHANE: How much have you cut prices? How much have you cut prices this holiday season? As you said, I mean everybody seems like they're slashing . . .

MANOLIS: You know we're -- we're always driving to offer our products at the lowest prices we possibly can. And so we're always driving efficiencies in how we ship products to our customers and how we source products, you know, since we're so large. You know, we have a lot of opportunity to drive lower prices for customers.

MCSHANE: All right. I appreciate both of you joining us. We have to run here because we have a couple of big stories we're following.

Number one, producer price numbers are coming out here in just a moment. We're going to have those, of course, as we always do with the live reaction.

Citigroup laying off 50,000 plus employees. The story that we had yesterday. What are all the other financial employees doing at this point? We've got some answers to that, we hope, coming up on MONEY FOR BREAKFAST. So stay with us as we continue this morning.

And the futures have been interesting to watch. Hewlett-Packard with breaking news here within the last half an hour. Came out with what you might say was an encouraging forecast. It's actually going to earn more money than people thought.

The Dow was down triple digits on the futures. Now only 40 points. So we'll see where we go from here. And we'll have the PPI for you as MONEY FOR BREAKFAST continues.

GLICK: Welcome back. Time to take a look at some of the top stories making news overseas in Europe. Emma Crosby of our sister network, Sky News in London, joins us this morning.

Good morning, Emma.

EMMA CROSBY, SKY NEWS: Alexis, very good morning to you too.

Not a very good morning, really, for the markets, though. They are looking really bleak right across Europe as we had a poor close on Wall Street last night and weak trade in Asia as well overnight. The London markets down pretty considerably at this hour.

Also signs in the U.K. at least the cost of living is at least being to fall. Inflation has fallen for the first time in 15 months. But, guess what, the predictions are now concern that inflation is going to fall too much. And next year we could have inflation at zero or even something called deflation, which sounds great, doesn't it? Money doesn't cost us anything. But it really goes to show the dire state of our economy if inflation is that low.

It also means potentially interest rates could be cut in this country down to 1 percent. Again, sounds good, but in reality it just paints such a poor economic picture that we're all a bit worried now of those predictions.

Want to tell you about corporate news. Barclays is following suit with Goldman Sachs and its bosses are not taking any bonuses whatsoever this year. They could have taken millions of dollars worth of bonuses. They decided not to because of the credit crunch and the hardship that the bank has been through. They're also putting themselves up for reelection next April. So they're giving the opportunity for shareholders to get rid of them if they don't like the work that they're doing. Sort of a put up or shut up scheme that you do see happen with politicians, for example. So it will be interesting to see what happens at the AGM in April.

And the luxury goods maker Burberry, sales are off -- profits are up, they say. However, the outlook for this luxury goods maker is going to be difficult as people are reigning in their spending, as you would expect.

Back to you now, Alexis.

GLICK: All right, Emma Crosby, thank you so much.

Coming up, we are waiting for the Producer Price Index numbers. We're going to have them and bring you to them live in just a moment.

But before we go to break, I want you to take a look at the futures because we've seen a sharp pull up in futures this morning. We are now down only 42 points on the Dow. We were down north of 150 earlier. The S&P, we're down 7. Nasdaq we're down 5. So down about 0.5 percent to 1 percent across the board. This is on Hewlett-Packard's better than expected forecast for next year. We'll talk about all that coming up next.

GLICK: Welcome to MONEY FOR BREAKFAST. I'm Alexis Glick.

We are awaiting the PPI or the Producer Price Index number. That is the cost for producers of goods. The expectations for the October numbers, a decline of 1.8 percent for the core, or finished goods, is expected to be up 1/10 of a percent. Now this is important because we have seen energy prices come down very substantially. That is one of the reasons why we're expecting the producer prices headline number to be lower. But don't forget, about 21 percent of this component is food related.

I want you to take a look at the futures though before we go to the number because right now we're down 41 points. The S&P down 7. Nasdaq down 5 after Hewlett-Packard just ratcheted up their estimates for next year. That is having a good impact on all the futures.

Let's go to Connell McShane now with PPI.

MCSHANE: We were down much more than that, Alexis, before the HP news came out. And we do have the PPI news breaking at this hour. So we're going to look down and get that for you.

It looks like the PPI for October, ex-food and energy, up .4 percent. So there is your core rate. Down 2.8 percent on the headline figure. So the headline is down 2.8 percent, and the core rate, again, was up .4.

So you're up more than expected on the core rate, which was, as Alexis said, not expected to be up that much, and you're down more than expected on the headline rate, which was expected to be lower by 1.8 percent. Instead, it's more than 2 percent lower on the PPI. So the food and energy, when you take it out, that's supposed to be a less volatile figure there. And that is what a lot of people look at when you look at either PPI or CPI numbers.

And that is still rising. And in fact, rising more than had been expected, which is interesting. It was only supposed to be up a tick there, up .1. But instead, it rose by .4.

So we're looking at some of the year-over-year figures. Core PPI, largest year-over-year increase since September of '89, matching the 4.4 percent increase that we saw then. The October PPI energy had a largest drop, though, since July of 1986, down by 14 percent. So that's the other part of this.

Energy prices, of course, have been coming down so much, so that's why you see the headline figure down more than expected. But the core rate actually up more than expected. So kind of an interesting piece of economic data to look through here.

Let's quickly bring up the futures as we go back to Alexis and just see how the market is reacting, because as Alexis pointed out, we had before seen the futures down more than they were now. Now down again.

So it seems like we're trying to digest this one, Alexis. We were down 100-plus, then Hewlett-Packard came out with pretty good guidance. Down 40, now we're down 50 on the Dow futures, and a little bit more than we were on the S&P futures with a larger-than-expected increase, actually, in core PPI.

Back over to you.

GLICK: All right. Thank you very much, Connell.

Well, here to break down the numbers and the impact on the markets is Joe Brusuelas, Merk Investments chief economist and vice president of global strategy. And Sam Chandan, he is the chief economist and senior vice president of Reis.

Good morning, gentlemen.

Joseph, let me start with you. When you look at the core number, a reading of an increase of .4 of a percent, that is what we saw last month. How worried should we be about that?

JOE BRUSUELAS, CHIEF ECONOMIST, MERK INVESTMENTS: Well, I think you've got to take two things in mind. The increase in the core rates is a result of the inflation that's

embedded in the system from that long run-up in commodity prices that we saw start at the end of 2007 and peak this summer. What the market is going to do, and it should do, is discount that number.

If you look at crude goods over the last three months, you see in some cases double-digit declines. Now, it does take a while for the declines in the crude prices to provide relief in the pipeline, that then provides relief in the headline and even the core. So over time we will expect to see those numbers actually begin to ease, and ease significantly. I think the markets should be looking at the decline in headline prices.

GLICK: Yes.

I would imagine, Sam, that the headline inflation number on a year-over-year basis, while it's not as high as the 8.7 percent that we saw last month, it is coming down. But is it still a place that the Federal Reserve Bank frankly would not like it to be?

SAM CHANDAN, SR. VICE PRESIDENT, REIS: I think it's still high, and especially with the core number being high. There are two things that we want to look at really closely, especially with respect to the Federal Reserve.

There is one more meeting for the Fed Interest Rate Committee before the end of the year, and they're looking for some flexibility here. They don't want to see big price increases because that limits their ability to keep interest rates low.

Right now they don't have to worry about inflation. They're able to focus on making sure that the credit environment is one that's supportive of overall economic growth and stability.

The other thing that we really want to pay attention to is that we want the prices for producers to come down because that gives producers some leeway. They're not able to pass price increases on to consumers. Consumers are finding that they don't have a lot of money. Heading into the holiday season, it's a very competitive retail environment. If the producers aren't able to pass on price increases, they want to see energy prices come down, food prices come down, the overall cost of production come down for the goods.

GLICK: So, is some of this, Sam, the lagging impact of the rise in inflation that we saw at the peak this summer and that we've got to look at this a little bit with a grain of salt? I know we have the CPI number later this week.

CHANDAN: Yes, I think so. We do have to discount the number a little bit, as Mark said. But I also think that the market was expecting the decrease in energy prices and food prices to flow through a little more quickly than what we've seen so far. So that 0.4 percent number on the core is a little higher than expected, and we can't discount that completely at this point. The next set of numbers, the CPI numbers next week, are going to be particularly important because of that.

GLICK: Joseph, do you agree? I mean, when you look at, at least the expectations for the CPI number later this week, if the producers are starting to feel a little better, perhaps it makes you and I feel a little better knowing that the fact of the matter is they really haven't been able to pass on as much of the cost as they'd like to.

BRUSUELAS: Well, one, they haven't been able to pass on that cost, too. There is disinflation moving through the system at a fairly rapid clip. It's not only occurring here in

the United States, but if you look at the CPI data that came out this morning in England, where they had the largest drop in recorded history, we do see that prices are easing, and easing significantly.

Let me say one thing, that the market may be looking at these price decreases in relation to the federal funds rate. I think that that's fine if you want to do that. The Fed is going to cut, but what is more important is what the Fed is doing on its balance sheet, and its ability to stimulate aggregate demand.

The Fed is just about out of ammunition. So what's going on is the Fed is crafting monetary policy to support the wave of fiscal stimuli that's coming down the road.

GLICK: All right. Joe and Sam, we're going to leave it there. Thank you, gentlemen, very much. And of course we'll keep a close eye on what those CPI numbers look like later this week.

Thanks so much.

All right. Coming up, we're going to go live to California for the very latest on those wildfires.

And ethanol has seen its popularity drop in recent months. And now some people want the government to end billions of dollars in support for the alternative energy source. We're going to find out why, particularly when there's this call to get of our independence on oil -- or dependence, I should say.

That's coming up next. Stay with us.

GLICK: The banking sector is bleeding more jobs once again with the announcement that Citigroup will lay off at least 50,000 employees worldwide, adding another massive blow to the financial sector which has already lost thousands of workers in recent months.

So where do all these unemployed, highly educated people go now that the entire sector is in turmoil? And what is next for the industry that is battered beyond recognition?

Kelsey Hubbard is with The Wall Street Journal Digital Network, and Michael McCarty is chief equity and options strategist for Meridian Equity Partners.

Good morning, guys.

KELSEY HUBBARD, THE WALL STREET JOURNAL DIGITAL NETWORK: Good morning.

MICHAEL MCCARTY, CHIEF EQUITY AND OPTIONS STRATEGIST, MERIDIAN EQUITY PARTNERS: Hello.

GLICK: All right, Kelsey. Let me start with you.

My guess is that the Citigroup news yesterday was not all that much of a shocker. I mean, you guys have been reporting in "The Wall Street Journal" that they've been looking for a target of 290,000 to 300,000 employees.

Is it just the devastation of reading the numbers, or is it the reality check?

HUBBARD: Well, I think it's a reality check. And I think a lot of employees out there are very nervous because they hear these numbers, they know Citigroup's in trouble. They've been reading it or they've been watching TV.

They know that a lot of financial services companies are having problems, and yet -- so they hear these large numbers and it just creates this sort of fear that more are coming. And I think that it was really just that news that hit the pavement that, really, the worst has not yet come or there are more problems out there.

GLICK: Kelsey, when you talk to people in the financial community and you look at the projections as to how much worse it can get, I mean, Jamie Dimon at JPMorgan is very hawkish. Lloyd Blankfein is very hawkish. I mean, how many more job losses could we lose in 2009?

HUBBARD: Well, there could be a lot more coming. And we all know that the job losses or layoffs usually lag the economy. And the economy has been slowing for a while, so now we're really seeing those layoffs come into place.

And it's not only the financial services sector. I mean, the tech sector could see problems, the retail sector is having such a tough time, especially going into the holiday season. We could see layoffs there. As well as the insurance companies we know are now getting pretty hard hit. So it could really spread out beyond the financial services sector.

GLICK: You know, Michael, when you look at this kind of environment, I was saying to the CEO of Pitney Bowes earlier -- I said, "Listen, you know, there is this perception right now that the way to save your company is by restructuring or by laying people off and cutting costs. But at some day as an investor, I'm going to expect growth. I'm not going to expect returns through cost-cutting initiatives."

But is that their only option at this time?

MCCARTY: Well, right now -- and I don't think people are really looking for growth. And, of course, the other alternative you did mention is declare yourself a bank and ask for heart (ph) funds.

GLICK: Well, as the insurers are now doing it. I mean -- I should say they're all buying small S&Ls so they can get access.

MCCARTY: We missed the deadline.

GLICK: Oh my -- I'm going nuts about this.

MCCARTY: No, but at this point in time, particularly a company like Citigroup, it's -- you know, we've got to stay alive, particularly when the stock broke \$10. I think investor perception is, you know, here's a place that was front and center in everything that is wrong in this economy. You know, they accelerated their purchases and mortgage even after the HSBC mea culpa in February of '07.

So they're right there. They're exposed. They're pretty big. They need to do quite a few things.

And the other thing that worries quite a few investors is they really have not addressed the value of the CDS's on their portfolio. You know, the belief in the market is that they're

probably worth 22 cents. That was the number that Merrill sold theirs to Texas Pacific. But Citigroup hasn't come out and adjusted the pricing on their books. So there is some real concern in the market about Citigroup.

GLICK: When you look, Kelsey, what is going on with town hall meetings, press releases or internal memos that they know are going to get out to the public, what do they do? I mean, basically, is this a morale call here, is this covering their rear? Is this too little too late?

What is this?

HUBBARD: Well, I think you're right. We've seen the credit crisis, we've heard of the crisis of confidence on Wall Street, but there is a communication crisis within corporate America.

I mean, there was a recent study done by about 514 workers that said -- you know, 70 percent said they heard -- or 54 percent said they heard nothing from their employers about how the financial crisis is affecting their company. And then within that group, 70 percent said they expect that this financial crisis will negatively impact their company, 60 percent say the company will not make their goals, and 26 percent say they expect layoffs in their company. And this is from a group where more than half of them haven't even heard official word from the C-Suite or the top managers.

So they assume a doom-and-gloom scenario when they haven't gotten information from their employers, and that can be really devastating to morale.

GLICK: Oh my god -- I mean, boy oh boy. I couldn't agree with you more.

I'm so frustrated because we want transparency and we expect the executives in these corporation to come out and talk, although they're so fearful that if they go on the record and they say something different three months later, or six months later, that they'll get beaten up in the press. But on the other hand, we're not hearing from them.

HUBBARD: That's right, and it really can be detrimental to the company, because if employees don't hear what is going on -- and they read the papers. They know there's trouble out there.

MCCARTY: They're watching it real time, yes.

HUBBARD: They get demotivated. They're not really sure anyone is in charge.

They might start to worry about their company, assume the worst, and either look for a job elsewhere or just not really perform. And a company right now cannot afford to lose their top talent, and they certainly can't afford to have demotivated people.

The employees are on the front line. They're talking to the sales customers. They're talking to possibly investors. So a company does not want those people not to know what is going on and be, you know, not positive about what their company is trying to do.

GLICK: Yes. How do you forge ahead?

HUBBARD: So it really behooves the management to talk to them. And even if it's not great news, at least if you're honest with them, or at least give them some sense of what their future holds. Then at least they're confident that they know what's going on and they feel in the loop. And that goes a long way.

GLICK: Great points, both of you guys. Wow. It's unbelievable.

Kelsey, I want to see that report.

HUBBARD: OK.

GLICK: That's a good report.

All right, Mike. As always, great pleasure seeing you.

Well, switching gears completely, firefighters are gaining ground, thankfully, in their battles against those wildfires which is scorching hundreds of homes and over 35,000 acres in southern California.

Our FOX Business' Jeff Flock joins us with the very latest on Yorba Linda, California.

You know, Jeff, I know it's still very dark there and that Louise was there yesterday. But just getting a lay of the land, how bad does it look?

JEFF FLOCK, FOX BUSINESS CORRESPONDENT: Well, I'll tell you, I think the worst is over, Alexis. Maybe you see us up on a ridge here in Yorba Linda, the flickering lights in the valley below. As you know, this is a boyhood home to Richard Nixon, but now sort of more the fire central.

About 100 homes like this one destroyed in Yorba Linda. And as you point out, firefighters do seem to have the upper hand at this point, but a lot of damage is done.

You know, take a look at this scene here. This one really points up the capricious nature of this particular fire because of the wind doing what it had done.

We are surrounded. You can't see it, as you point out. It's dark out here. But this one destroyed, next door just fine. Next door, on the other side, just fine. Across there fine.

The flames came up the valley, up to the top of the ridge, but we're stopped in this neighborhood. But the embers got airborne and took this one out.

As you know, a lot of homes try to go to some lengths in California to be as fireproof as they can. Tile roofs very common here. But as you see, this is about all that's left here.

Right now I can tell you that Governor Schwarzenegger has asked for a disaster -- a federal disaster declaration. That would, of course, open more federal funds. And that's a big deal, because in these difficult economic times, these communities have spent a lot of time, Alexis, fighting these fires in terms of overtime for firefighters and the rest.

The other big question out here today, and we'll be examining this all day long on the FOX Business Network, the question of insurers. You know, insurers make their money from investing people's premiums. The question is, when they need to pay out in a large scale like they do at the end of this one, are insurers solid enough to make those payments?

California insurance officials say they think most companies like the AIG companies, for example, are solid. They are separately chartered from the main AIG, and they believe that they're solid. But at this point, a lot of residents in situations like this wondering about that



--- Alexis.

GLICK: All right. Jeff Flock, what a period to look at this. Very sad.

All right, Jeff. Thank you so much. We'll continue to follow this throughout the day.

Well, a coalition of government watchdog organizations, environmental concerns, hunger advocacy, and food industry groups are descending on Washington, D.C., today to call on the federal government to end the \$8 billion in ethanol subsidies. Now, the price of corn has dropped by 50 percent since its July high of almost \$8, to about \$3.75 a bushel. Despite this, the price of food is expected to jump 6 percent next year.

So what impact would the cut in subsidies have on alternative fuel development, a pillar in President-elect Barack Obama's campaign?

Bruce Rastetter is the CEO for Hawkeye Energy Holding, one of the country's largest ethanol producers, and Joel Brandenberger is the president of the National Turkey Federation, which is part of the group calling for government action today.

Good morning, gentlemen. Thank you so much for being here.

Bruce, let me start with you. You're part of a group called Growth Energy that held a press conference last week to address some of these concerns about ethanol pricing. What is it that you are upset with and what would you like to see fixed?

BRUCE RASTETTER, CEO, HAWKEYE ENERGY HOLDING: Well, good morning, Alexis.

You know, one of the things I'd want to say at the outset is that our quarrel is not with America's livestock producers or the Turkey Federation. It's clearly with the Grocery Manufacturers Association and the misinformation campaign that they've conducted over the last year.

These guys spent millions of dollars saying that ethanol was the cause of rising food costs because of its effect on corn costs. Well, now corn has gone down by over 50 percent, as you just said, so I'd like to have an answer as to, did they really have their information correct, or were they just using that as an excuse to raise food costs on the American public?

GLICK: Joel, you are the president of the National Turkey Federation. You have some great frustrations about what has happened with ethanol subsidies and the pricing, how it has impacted your business.

Explain what some of those issues are.

JOEL BRANDENBERGER, PRESIDENT, NATIONAL TURKEY FEDERATION: Well, thank you for having us on this morning.

You know, first of all, we don't have a quarrel with the ethanol industry either. Our concern is, is that the current ethanol policy that our government produced (ph) has demonstrably raised the cost of feed for our producers more than double over the last year. And the real problem is, is that, yes, corn prices have gone down, but the damage that has been done by the increase in corn prices won't go away overnight.

Most of my members locked in, bought their corn that they're feeding their animals now and through the winter. They bought it in the summer when corn prices soared to \$8 a bushel. And if you could lock in a supply at \$6 or \$6.50 a bushel, it seemed like you were getting a bargain.

So it's going to be quite a while yet before you see our cost of feeding the animals goes down. And in the meantime, the high price of corn has led four turkey plants to close their doors, three of them permanently. Hundreds of workers have lost their jobs as a result of this. And turkey production is being cut back across the board, and the same is happening throughout the livestock and poultry sector.

As a result, as the supply of meat and poultry tapers, prices aren't going to go down, they're going to go up. Simple law of supply and demand. Economists guess it could be 18 to 24 months before you see the damage done this summer clear its way through the food pricing system.

GLICK: Bruce, go ahead.

RASTETTER: You know, Alexis, one of the things all of us know -- and I, as a former livestock producer and raising pigs, we certainly know that if you take the food dollar, input costs, farm costs are 20 percent of that food dollar. The other 80 percent is labor, energy related, packaging, manufacturing.

So to believe that food cost increases beyond that -- during this last year if we go back through, we had increase in livestock feeding from corn of 8 percent. We had increase in ethanol consumption of corn. We had increase in exports because of the cheap dollar.

All of those the U.S. corn market was able to do and produce, and the American farmer came through. And we also had, as we all know, increased hedge speculative trading that drove this corn market higher. And for the Turkey Federation frankly to blame ethanol producers for they're high cost of corn -- and frankly, they made that decision to hedge that corn at \$6.50.

BRANDENBERGER: Wait. Wait a second.

RASTETTER: And we all have to I think at some point make the decisions that we live with. But the American farmer came through and is now producing America's second-largest corn crop, a billion and a half-bushel carryout. So if ethanol...

(CROSSTALK)

GLICK: OK.

Joel, go ahead. Joel, go ahead.

BRANDENBERGER: Yes. OK.

First of all, ethanol companies hedged this summer, too. And we know some major ethanol companies are hurting right now because they bought at too high a price.

RASTETTER: Sure we are. We got affected by that as well.

BRANDENBERGER: Well, the second thing is, our point is, is a lot of the things you're talking

about, the cheap dollar, the exports, some of these things Congress doesn't have an ability to do anything about. But ethanol policy, it's 30 years old this month, and the industry still can't survive without these government supports and subsidies.

Our point is, if we reformed ethanol policy, took some of the savings of that and applied it toward research to the next generation of biofuels, we'd move beyond taking food and putting it in fuel tanks, and move to sources of ethanol that would be much more efficient than corn ethanol in terms of energy value, much less expensive. It just makes common sense to, let's say, after 30 years...

(CROSSTALK)

GLICK: All right. Gentlemen, I hate to do this...

RASTETTER: OK.

GLICK: I know that you guys would love to continue this conversation. If only you were in the same location.

But Bruce and Joel, you both make terrific points.

I know, Joel, that you'll be on the Hill today talking more about this. We will of course keep our eyes out. This debate is not going anywhere.

Thank you so much, gentlemen.

BRANDENBERGER: Thank you for having us.

RASTETTER: Thank you.

GLICK: All right.

Coming up, it is "The One Thing You Should Know" when MONEY FOR BREAKFAST returns.

Don't go anywhere. We'll be back in two minutes.

GLICK: Now it is time for "The One Thing You Should Know."

We're going to get started with Ashley Webster.

But before we go to you, Ashley, I just want people to know that right now the futures are basically unchanged. At one point they were up 12. That's a very good sign. We saw a really nice turnaround in the market today given where we were earlier this morning.

MCSHANE: Yes, HP.

GLICK: You know, I'm sure a lot of that is HP.

MCSHANE: Yes.

(CROSSTALK)

WEBSTER: We're trying to get that good sentiment, guys.

GLICK: Mr. Webster, you give us your one thing.

WEBSTER: Trying to get some of that going.

Yes, indeed. Well, I'll tell you what, I just had a week off, which I spent in the United States, in good old Nashville. Loved it.

And guess what? I paid for a gallon of gas \$1.77. It was actually \$1.87, but I got 10 cents off with my Kroger card. So, \$1.77, that is very impressive.

GLICK: That is impressive. Love that. Wish we could get that here in New York City.

MCSHANE: Oh, they are going down though.

GLICK: They are definitely going down. They're getting better.

What is your one thing?

MCSHANE: Well, the one thing is that it's all about -- it's going to be all about winners and losers and expectations. Right?

So Hewlett-Packard looks like it's emerging as one of the winners here, and it's able to jump over the expectations, which kind of brings up to mind, to me at least, what's going to happen this weekend, winners and losers and expectations. The Jets are not expected to beat Tennessee, but when they jump over that lower bar, it will be a great win...

(CROSSTALK)

GLICK: Yes. It's good we're already discussing this on Tuesday, right?

MCSHANE: Well, I like to be ahead of the game.

GLICK: Where is Ashley? Ashley's nowhere. He's gone.

WEBSTER: Bring it on. Bring it on.

GLICK: There he is.

OK. I think, guys, that my focus today is clearly going to be on what happens here with the automakers.

MCSHANE: Yes.

GLICK: And I thought Andrew Sorkin's article on the cover of the business section of "The New York Times" said it best about Chapter 11. A government basically coordinated bailout where they would force GM and Chrysler to merge, the cost savings could be huge.

And I have a feeling that we're walking closer to that line. You know, the government steps out with the contracts once they're in Chapter 11.

MCSHANE: Right, because the concern here is that if they file Chapter 11 on their own, that it would quickly become Chapter 7, which is liquidation. So that if you're the government,

maybe you help them and give them those extra funding that they can't get somewhere else.

GLICK: Yes. Or you guarantee...

(CROSSTALK)

MCSHANE: Exactly. We talked about it this morning earlier. It seems like it's got a little bit of merit.

GLICK: All right.

Ashley, Connell, I'll see you next on "THE OPENING BELL."

Don't go anywhere. We'll be right back.

**LOAD-DATE:** July 24, 2009

**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
Cancellation No. 92054425**

**Declaration of Stephanie H. Bald**

**EXHIBIT 158**

*KATIE BROWNE; GLIMPSED IN FELLS POINT The Baltimore Sun January 18, 2009 Sunday*

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GLIMPSED IN FELLS POINT

**BYLINE:** Sloane Brown Special to The Baltimore Sun

**BODY:**

If Katie Browne looks like a pin-up girl, it's hardly by accident. This 25-year-old radio station supervisor and yoga instructor works at it. Literally. She's a pin-up model - "Golden Browne" - at Atomic Cheesecake Studios in Parkville, and has done work at Luminous Impressions and Catfight. Her style is all about her passions: pin-up and rock 'n' roll. And tattoos, most of which you don't see. The Hampden resident loves looking sexy, but without showing too much skin. "It's good to have a style that's a little more conservative, but still sexy." Glimpsed at the Waterfront Hotel in Fells Point, we'd say she knows what she's talking about.

**Job::** WNST 1570-AM Radio station supervisor/Charm City Yoga instructor

**Self-described style::** "Pin-up meets rock 'n' roll"

**The look :** White cotton T-shirt. Black cotton Lucky 13 cardigan with cream graphic. Studded black leather belt. Skinny Citizens of Humanity jeans. Studded black leather Michael Kors kitten heels. Wool tweed coat. Black leather clutch handbag. Horror movie button pins. Silver initial necklace. Silver cuff bracelet.

**Where it came from :** The T-shirt came from H&M. She ordered her cardigan from pinupgirlclothing.com. She found the belt at Hot Topic, and her jeans at Urban Chic. Her shoes and necklace were purchased at Nordstrom. Her cuff bracelet was a gift that came from South Africa. Her coat and handbag were Target finds. And her button pins came from her tattoo artist, Hunter Spanks at Saints & Sinners in Fells Point.

**Her fashion comes from her passions :** "When I was younger, I was on the tomboy side, so I dreaded getting dressed up because it was so much work. ... I never really cared about fashion until recently when I started doing pin-up modeling. That retro vibe. I started getting into that scene. ... I always listened to oldie music. ... I used to go to old car shows with my dad. He repairs jukeboxes. ... So, I've always been exposed to '50s-'60s culture, and I've always been a fan of rock 'n' roll music."

Her look's components: : "Usually I'll put my hair up in hot rollers and try to get as much volume as possible. Skinny jeans, or wiggle dresses - they're form-fitting, short-sleeved and they come down to just below the knee - so you have to wiggle when you walk. Pencil skirts and stockings. I try to do stockings unless the pattern on the pantyhose is really nice. ... My big pieces are the pin-ups, things that are a little more high-waisted and fitted; skinny jeans, wiggle dresses, pencil skirts. What I usually call accent pieces - the shoes, belts, sweaters, jewelry - that's more the rock 'n' roll style; the buttons, safety pins, studs and leather."

How she shops: : "I do like high quality. Unfortunately, that usually comes with a higher price tag. So, I have to pick and choose what I spend my money on. So, shoes and jeans I usually spend the most money on. For accessories, I'll find good stuff at Target. There are lots of genre-specific things on Web sites like pinupgirlclothing.com and daddyos.com. I'm always looking. I **window-shop online** at all times. I'll go out and get a new outfit maybe once a month."

It's all about Friday nights: : "I only get to dress up once a week. The rest of the week I teach yoga, so I'm usually schlubbing around in yoga clothes. ... I always take that one day - Friday - to take the time and just dress up and make myself feel good. It's a lot of fun to start getting ready at night. Putting the music on, and getting out of the shower, putting my hair up in hot rollers and, of course, deciding what I'm going to wear that night is always a hassle. I'll probably try on 10 different outfits before I get it just right and it feels so good. I enjoy being a girl."

A style must: : "Before you leave the house, stand in front of a full-length mirror and make sure you check the front and back before leaving."

Her style icons: : "Of course, Bettie Page. She's the most famous pin-up model. I decided to get my bangs cut the day after she died. And I love them. [Burlesque star] Dita Von Teese. I just think she's got a really great eye for classic hair and makeup."

Which fits in with her fashion philosophy: : "Your style is for you, not for anybody else. As long as it makes you feel good. It's not about pleasing other people, it's about pleasing yourself. Because if you look good, you'll feel good."

**GRAPHIC:** Photo(s)  
Photo Special to The Baltimore Sun: Colby Ware

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**Declaration of Stephanie H. Bald**

**EXHIBIT 159**

*BUSINESSES MUST HOP ONTO CONSUMER PURCHASE CYCLE; Spokesman Review  
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Main Edition

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**HEADLINE:** BUSINESSES MUST HOP ONTO CONSUMER PURCHASE CYCLE;

**BYLINE:** Jan Quintrall

**BODY:**

Consumer habits have changed greatly in the past few years, and even more in the past six months. Last week I spent a morning with author Pete Blackshaw ("Satisfied Customers Tell Three Friends, Angry Customers Tell 3,000: Running a Business in Today's Consumer-Driven World") at national Better Business Bureau meetings and got an earful about the new consumer.

There is a distinct "consumer purchase cycle," and understanding your company's position at each point in that cycle is more important than ever:

1. Pre-shop steps: education, awareness and consideration.
2. Post-shop steps: trial, loyalty and advocacy.

How does all this translate to the real world and your customers? Let's look at the cycle in the real-world scenario of buying a car.

Dick and Jane Doe decide it's time to get a new car. They have no strong brand loyalty and are open to American or foreign made. They know what they like in their existing car and what they would like to have in a new car. The Does are smart shoppers and have created two lists of features: those that "would be nice," and the "must haves."

Next step: the Internet and the many easy-to-use Web sites that allow you to compare features. There are a number of rating sites that show reliability and resale, so Jane does some checking. She narrows the search first by features, then by reliability and safety. She and Dick sit down and review four choices.

They take off on Saturday to visit the dealers, look at the cars, conduct some test drives and check pricing. They are not comfortable buying without seeing and doubt they will actually buy online. But that is how they located the dealers they are visiting. What about that nice dealer just outside of town? With no Web site, Jane and Dick are never going to see him.

Dick and Jane have different favorites. But that is fine; they have one more pre-purchase step to take. They Google the make and model of their two favorites and check out the "chat" from people who own these cars. Are the comments favorable? It gives them a good feel for how happy owners are with the cars. That final piece of research makes the decision easy.

Now all they have to do is select the dealer. A brief visit to [bbb.org](http://bbb.org) makes that an easy choice.

A week later they pick up the new car and spend some time driving it around. They love the smell, the way it handles and how pretty it looks in the driveway. More important, because they conducted so much research, they know the decision was educated and sound.

Fast forward six months, and the Does have photos on their Facebook page: them, the new car, the kids and the dog. They chat with friends about how much they like this car, they reply to blogs about the car - in essence they are evangelists about what a great car this is. Leap ahead a few years. Now they have taken it in for routine service a few times and they're performing the same kind of activity about the dealer, the service and the whole experience of this car.

Here are some basic questions to ask yourself about where your company fits in this cycle:

\*Is your **Web** site a good "window" for potential customers to **window shop**? Are your hours posted? Is a map available? Is your site up to date and attractive? Would you come and see you based on the passive Web site invitation?

\*Are you managing your online reputation? Have you Googled your company name lately? Do you know what your past customers say about you? Do you actively blog about your products in an informative rather than a pushy way?

\*What are your competitors doing online? Are you a trendsetter or years behind others?

A friend in sales relayed a story about an antique shop in Spokane. She was talking Web sites with the owner and he said, "All my customers are older and they don't use the Internet, so I do not need a Web site." His wife was sitting by listening to this discussion and said simply, "Well, that pretty much guarantees at some point all your customers will be dead." Ouch!

Your happy customers have the potential to become your best marketing tool. And the Internet gives them the conduit to make that happen. As businesspeople, we need to make sure we are on the radar in the consumers pre-shop and the post-shop phases. Start asking questions and you might be amazed at what you find.

**NOTES:** Jan Quintrall is president and CEO of the local Better Business Bureau. She can be reached at [jquintrall@spokane.bbb.org](mailto:jquintrall@spokane.bbb.org) or (509) 232-0530.

**LOAD-DATE:** March 4, 2009

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**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
Cancellation No. 92054425**

**Declaration of Stephanie H. Bald**

**EXHIBIT 160**

*Shopping In A Recession National Public Radio (NPR) March 23, 2009 Monday*

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**SHOW:** Talk of the Nation 3:00 PM EST NPR

March 23, 2009 Monday

**LENGTH:** 4776 words

**HEADLINE:** Shopping In A Recession

**BODY:**

ALISON STEWART, host:

This is TALK OF THE NATION. I'm Alison Stewart in Washington, Neal Conan is away. What was the last time you went shopping? Okay, how about just window shopping? How about surfing the net? For many people, opening a wallet to purchase a non-essential item has become a distant memory. While the economy is in the slide, so are retail sales. Not only are people buying less, it appears consumer behavior is changing altogether as are people's attitudes. Is being frugal here to stay or is this just a temporary shift? Just like riding your bike to work once a week last summer was, when gas was \$4 a gallon. Or remembering to bring your public radio tote bag to the store every time in order to help the environment.

Well, we want to hear from you. What changes have you noticed in your own shopping habits. Our number here in Washington is 800-989-8255. The e-mail address is [talk@npr.org](mailto:talk@npr.org) And you can join the conversation at our Web site, just go to [npr.org](http://npr.org) and click on TALK OF THE NATION. Now later in the program, if you needed fast cash, what would you never ever sell, even if you were desperate? But first, shopping in a recession. Joining us from our New York bureau is Paco Underhill. He is the author of the book "Why We Buy: The Science of Shopping" and the CEO and President of Envirosell, a research firm that follows retail environments. Welcome to the program Paco.

Mr. PACO UNDERHILL (Author, "Why We Buy: The Science of Shopping"; CEO and President, Envirosell): Alison, thank you for having this bald, stuttering research nerd back on the air.

(Soundbite of laughter)

STEWART: Oh my goodness, that's quite a visual. Alright, on your firm's Web site, it says, we watch people shop. So what have you observed about the way people are shopping in 2009?

Mr. UNDERHILL: Well, I think there's several issues and there is - there is a group of us that is avoiding the shopping mall altogether, that is a group that is under immediate threat of being downwardly mobile. There is a second group that is taking pride in how little they're spending rather than how much. And they are discovering the tool of their Web-enabled

mobiles phones to basically comparison shop in the aisles of stores themselves as opposed to before they walk in the door. And then there's a third group of us who have basically realized that the era of bling is over and conspicuous consumption, Alison, is simply bad manners.

STEWART: Well, I want to break those three down. That first group, the ones that are in immediate danger, now that's a diverse group. That doesn't mean that you necessarily are out on the street.

Mr. UNDERHILL: Alison, I think one of the things that makes this recession historically so unique is the fact that there are such a cross section of people who feel economic pressure - meaning this is the Merrill Lynch executive, this is the surgeon who simply had been spending too much money or the GM retiree who's looking at his healthcare benefits being slashed.

STEWART: Now, the last group you mentioned is talking about - you mentioned the era of bling is over. It is bad manners to spend money at this point. I'm guessing that morality plays into today's shopping experience and shopping behaviors.

Mr. UNDERHILL: Isn't it interesting that the era or the - the issue of green has stopped being a political issue and has become a moral issue? I think we are watching, at least for the time being, the era - the issue of consumption going through the same process.

STEWART: Now what about that group of people you mentioned - they do have the money. They have it, they're not in immediate danger, but they are not spending it. What needs to change to get these people to open their wallets because in many ways, they're the people that could may be help the economy get going again.

Mr. UNDERHILL: Well, I think we are waking up to the fact that we - yes, we still eat, we still drink...

(Soundbite of laughter)

Mr. UNDERHILL: ...we still need to give people we love the icons of our affection. Our homes, our pets, our cars still need servicing. It's just that we have to do it with a little more sense than we had been doing it before. And I think we're watching that start to happen.

STEWART: Of all the changes you've seen going on about the way people shop, can you get me an example of a change you think that's actually here to stay? And then maybe an example of a change that I mentioned in the intro where people, you know, they're not riding their bike to work anymore because gas is inexpensive again.

Mr. UNDERHILL: Well, here is one that I noticed personally yesterday. It's something that we've been seeing but I personally experienced. I was in a grocery store in suburban New Jersey and I noticed that the closer I got to the cash register, the more discarded items I saw.

STEWART: Oh, that's interesting.

Mr. UNDERHILL: Meaning somebody put it in the basket, carried it for a couple of aisles, looked at it in the basket and then made the choice to either trade it out for something else or to simply trade it out, you know, permanently. And this is something we are seeing all

over the place which is a little sense of buyer's remorse before you get to the point at which you have to exchange goods and money.

STEWART: Let's talk to one of our listeners. We've got Liz(ph) who's calling us from Delmar, Maryland. Hi, Liz.

LIZ (Caller): Hi. Thanks for having me on the air.

STEWART: Sure. So, how's it going for you during this recession? What changes have you had to make?

LIZ: Well, we've made quite a few changes. Just recently I've decided I need to start buying a Sunday paper so I can cut coupons. I've tried doing the coupons on the internet, which there's a lot of great Web sites that do that, but a lot of them require you to download a little program and it's filled with spyware. So, we've decided that that's not probably good for our computer. And we're just going to get the Sunday paper and cut coupons.

STEWART: Did you have a tipping point at some point, where you were at the store and you picked up something, and you think - you know, just look, I really probably shouldn't buy this because it cost too much, or wow, we really should start looking at the coupons for these things.

LIZ: Well, I always tend to buy, like, the store brands, but there's a few brand name items that we really like to have. Like, um, I tried some of the store brands, for like, contact lens solution and it just wasn't - that didn't work for us. So, you know, when we want a brand-name thing, it's probably good to look for a coupon.

STEWART: All right, Liz. Thanks a lot. Good luck to you and your family. And Paco, Liz brings up an interesting point, talking about she's looking for the store brands versus the brand names. In terms of big, brand-name items in big retail stores, let's say, we'll just say somebody who normally stops at Nordstrom's - are they now going to be going to the Target? What's got to change for them to make that shift, and how is Nordstrom going to keep that customer base?

Mr. UNDERHILL: I think that's an interesting issue here. First of all, we are watching people trading down, meaning that the customer that was shopping at a Kroger is now shopping at a Wal-Mart. The person that was shopping at a Wal-Mart is shopping at a dollar store. So people's shopping habits are focused down rather than up.

I think one of the important things for Liz to recognize is that the Food Marketing Institute and POPAI - the Point-of-Purchase Advertising Institute - point out that somewhere between 60 and 70 percent of all of our purchases in the grocery store are off our list.

And one of the most important issues about being a responsible consumer is writing your list first and then checking your list off against the coupon, rather than going through the coupon list first and then having that influence what your actual purchase behavior is.

So the issue is managing your inventory first, and then managing your savings second.

STEWART: And we're talking to Jim in Iowa. Jim seems to be a case in point of what you mentioned, Paco, about somebody who decides, you know what? I don't really need this. Tell us your story, Jim.

JIM (Caller): Well, we find that sometimes just having the temporary possession of an item - for example if we're at the Goodwill, and we see all these trinkets that other people have discarded, we maybe put it in our cart and handle it and look at it. And then before we get to the counter, we decide, well, we're going to de-shop, and we just put some of that stuff back, decide that 15 minutes of ownership has been sufficient.

(Soundbite of laughter)

STEWART: You're renting it for 15 minutes.

JIM: Yeah. It's a form of entertainment.

STEWART: Jim, thanks.

Mr. UNDERHILL: You know, Jim, there's an experience that I used to have at the public library, where I would pick up a book here, and I'd page through it. It would be interesting. And I'd see that the last time somebody took this book out was in 1954, and therefore I would take it out and put it back in so it wouldn't feel so lonely.

STEWART: We're speaking with Paco Underhill. He is CEO and president of Envirosell, a research firm that follows retail environments, and is also the author of a book called "Why We Buy: The Science of Shopping."

We want to know how your shopping habits have changed in the past few months, giving what's going on with our economy. The number is 1-800-989-8255. The email address is [talk@npr.org](mailto:talk@npr.org) And Carol from Kansas City, whose on line four, yeah Carol says we're all late to the game. She's been like this - she's been frugal her whole life.

CAROL (Caller): Yeah. I'm in my 50s. I've been going to garage sales since my early 20s, and I've never - actually, most of my jobs have been part-time jobs, and my husband's a social worker. So we don't make a lot of money, but we don't spend a lot, either. So I feel pretty secure.

STEWART: Is this something that you learned from your mom and your dad or whoever raised you, your family?

CAROL: Yeah, I probably caught some of it from them, and also just I don't know. Maybe it's in my genes, too. My grandparents were very frugal, too.

STEWART: Carol from Kansas City, thank you so much. There are generational differences here, Paco, aren't there?

Mr. UNDERHILL: I think there are. But I think Carol talks about something in terms of being the leading edge, which is that there are many of us who are willing to consider a secondary market that would have been unthinkable to us 10 years ago, meaning that we're no longer calling it a used car. We're calling it adopt a Honda or a previously owned Lexus here, and that part of this is translating into people taking pride in being able to better use the budget that they have to work with.

STEWART: My favorite is previously enjoyed, something that's been previously enjoyed.

Mr. UNDERHILL: Yes.



STEWART: We're talking about shopping or, rather, trying not to in these tough economic times. Has your trip to the mall changed since the recession hit? What's changed in your life? We do like to hear from you. We're taking your calls right now: 800-989-8255. You can also send us an email. The address is [talk@npr.org](mailto:talk@npr.org) Paco Underhill is going to stay with us. I'm Alison Stewart. It is TALK OF THE NATION from NPR News.

(Soundbite of music)

STEWART: Thanks for listening to TALK OF THE NATION from NPR News. I'm Alison Stewart. Neal Conan's away. We're joined right now by Paco Underhill. He's the founder, CEO and president of Envirosell, a behavioral market research consulting company. He's also the author of "Why We Buy: The Science of Shopping." He's joining us from New York.

The discussion today is about how your shopping habits have changed since the recession came in. And I want to read you an email, Paco, from Dan, who wrote to us from Newton, New Jersey.

He says I frequently shop on eBay, and I have always been picky about what items I purchase, and the recent downturn has made me downright stingy.

However, I still enjoy **window shopping online**. But so that I don't forget what I liked, I bookmark the items, whether on eBay or other online stores.

It allows me to come back to the items and still be able to look at them when I find that I need the item or I am in better financial straits.

What is it that retailers need to know about consumers like Dan that will get them to go ahead and perhaps buy what they've been looking at? What kind of changes do you foresee happening in our retail stores that will help consumers feel like okay, it's okay to spend a little more money?

Mr. UNDERHILL: One of the issues that has driven our business over the past few months is that merchants - whether online merchants or bricks-and-mortar merchants - are trying to do a better job of telling their stories, meaning that we as a culture realize that value isn't just about price. It's also about quality.

And how do we translate that quality statement into something that the customer actually understands? Why does this T-shirt cost 3 bucks, and this T-shirt costs 27 bucks?

STEWART: I want to go to Julie, who is calling us from Minneapolis, I believe. Hi, Julie.

JULIE (Caller): Hi.

STEWART: So you just came in from the store yourself, right?

JULIE: Yes. And this is my kind of show. My husband was out driving, and he just came in and said oh, my gosh, yeah. This is you.

(Soundbite of laughter)

JULIE: So here's the deal. I went to Walgreen's. I spent \$33.76, and it lists my total savings as \$27.04 because of the coupons that I used. I had \$27 in coupons. So that was a big savings.

And then I went to the grocery store and used coupons and bought store brands and stuff, and they tell me I saved a grand total of \$28, for a savings of 41 percent.

So I'm just frugal. You know, I always think I don't have time to clip coupons, but I have more time than I have money, and so to me it makes sense. And the other thing I do is I've started shopping at Aldi's, and I buy - you can't buy everything at Aldi's, but I do buy almost all of my produce there because the produce is very good, and it's very inexpensive. It's astonishing.

So it means I take more time because I go to two grocery stores, but I find once again that I have more time than money.

STEWART: Now Julie, are these changes in your lifestyle?

JULIE: Well, no. I've always been pretty frugal and always used coupons. But the change to Aldi's, yes, is. And the other thing, you know, you were asking about - you were talking with Mr. Underhill about the way retailers, you know, will look at the way they're selling things.

STEWART: Sure.

JULIE: I think it's about time that we not pay \$70 for a pair of jeans or \$26 for a T-shirt that you can get for three. I think that we've gotten so skewed, and I'm really looking forward to prices getting back to a little bit normal. I think that the inflation that we've been living through has been ridiculous.

STEWART: Julie from Minneapolis. You're impressive with your coupon-cutting. Keep at it. Thanks for calling.

JULIE: Bye.

STEWART: Does Julie have a point, Paco, that we were so - the scale had gotten ridiculous?

Mr. UNDERHILL: I think there's something that she's hit on, which is absolutely correct, is that globally, the fastest-growing merchants, whether they're Aldi, or Aldi's - Aldi owns Trader Joe's, or the other German firm, which is called Lidl. Those are the fastest-growing merchant organizations on the planet, and they're uber discounters.

They have no design equity on the floor. They don't give you lots of selection. They are all about private label or private sourcing, but you can walk in and get good-quality goods at an extremely reasonable price.

STEWART: We're going to talk to Rona from Riverside. So Rona, I'm going to ask you a little bit of an impolite question. How old are you?

RONA (Caller): I just turned 34 yesterday.

STEWART: Oh, happy birthday to you. You described yourself to one of our producers as a child of American pop culture.

RONA: Yes.

STEWART: Now how does this factor into how you are spending your money, or not spending your money?

RONA: Well, I mean, I, you know, grew up in Southern California, working in the mall, you know, spending my summers working and spending my money back into the mall. Sorry.

STEWART: Who's that back there?

RONA: My three-year, screaming potty.

STEWART: Oh, you need to go take care of that?

RONA: Anyhow, yeah, I'm on a headset. So anyways, so now, you know, we just moved back to Southern California and we want to, you know, we moved back because the prices - the real-estate boom popped, and now we can actually afford to live here.

And so we're working on buying a house, you know, and finally buying real furniture. But because of the economy, we don't want to spend now because we're thinking, well, everything is so inflated, just like the lady who was on the line now. You know, we see housing prices so inflated still in comparison to what people actually make in the area.

Otherwise, you know, if things actually matched people's income ratios, we'd be out there buying a house, buying furniture for the first time and buying everything that people buy in order to kind of work towards the family with two kids and the American dream.

STEWART: All right, well, good luck, Rona. And take care of your little guy or gal back there. Sounds like it might be an emergency. Don't want to get in the middle of that.

(Soundbite of laughter)

STEWART: Yeah, we all know the iPhone looks good and the new shoes, but these days, you're probably opting to save rather than spend. We do want to hear from you. Come clean about your shopping habits. Have they changed since things have gotten tough?

Give us a call at 1-800-989-8255. The email address is [talk@npr.org](mailto:talk@npr.org) We're talking with Paco Underhill. He wrote the book "Why We Buy: The Science of Shopping."

And, you know, George Bush, former President Bush, he famously - or some would say infamously - told Americans during tough times, twice he mentioned that we should go shopping. And he had been ridiculed for this. But I'm curious. Do you think there's something to that idea that people have to spend money to get the economy to move? Do you think we're always going to be a consumer nation in one form or another?

Mr. UNDERHILL: Alison, I think most of us have woken up and found that our houses are too big, our cars are too big, our bellies are too big, and our debts are too big, and it's very important that we go on a diet.

We cannot continue to consume the way we have. Are we going back to the way we were? Absolutely never. Is it going to be painful getting to become more responsible consumers? Yes, short-term. Long-term, however, I think there are some positive ramifications to it. We need to better connect what we can afford with what we actually buy.

STEWART: And that's a good point. I mean, it's about moderation. To use your weight-loss

analogy, you wouldn't just stop eating. You would modify your diet.

Mr. UNDERHILL: Absolutely not. We still love our children. We still consume. We still want to take vacations. We still want to give the people that we love the icons of how we feel about them. We just have to do it better.

STEWART: Let's talk to Linda, who is calling us from Missouri. Hi, Linda.

LINDA (Caller): Well, hi there. Thank you for having me on.

STEWART: Sure. I understand that you found a sort of a way to make this a little more fun.

LINDA: Well, it isn't always fun. I've always been rather conservative with my shopping. And I've tried to keep my kids to be moderate and conservative and look for quality items, because I think we've been ripped off for a long time with things we pay a lot for that really don't last.

My concern, that I see, is that, you know, I've shopped at all Aldi's, I've shopped at Wal-Mart, I've shopped at - but there's a lot more competition there. We've got people who were shopping at Macy's coming down to Target, and they're not happy about it, but they're doing it. Where am I going to shop next? That's my big concern.

(Soundbite of laughter)

LINDA: I've been the thrift store shopper, I've been the Aldi's shopper and, you know, I'm running out of places because, you know, you can go into the thrift store now and if my kids needed, you know, jeans to go hack around and play outside in, they aren't there.

STEWART: Interesting.

LINDA: So, part of what the economy has done is that it's taken away resources from people, you know, that haven't - don't have the flexibility. And the people who are shopping down - yeah, maybe they need to a little, but they don't need to do it so much that they're hurting the people who have no other options.

STEWART: It's a really interesting point you bring up. Thanks, Linda.

I also want to talk to Steve, who is calling us from Michigan. Hi, Steve.

STEVE (Caller): Hello.

STEWART: So, I understand your wife sends you on missions.

STEVE: Yes. She sends me out on a mission, knowing that she'll give me a list and I'll go shopping, knowing that I will not substitute, add or delete from her list...

(Soundbite of laughter)

STEVE: ...or I get the wrath of whatever. But I also noticed her spending habits. She'll go on these TV, I don't know if I could say this, but, you know, the QVC type shows.

STEWART: Sure.

STEVE: And she'll wait for a product that has the easy payments before she'll start to buy it. That way, it seems like it's a lower cost, initially, to her.

STEWART: Thanks for calling, Steve. We appreciate it.

I'm sorry, I was just reading an e-mail here. This is from Jan(ph). He's calling us from Minnesota as well. One thing I always recommend to people is that when you're deciding to purchase something, consider the cost of the number of hours you need to work instead of the amount of dollars it cost. I find that it helps keep frivolous purchases down.

That's a very interesting way to think about it. Don't you think, Paco?

Mr. UNDERHILL: I think one of the things that's very important as a shopper, is to recognize the difference between the thrill of acquisition and the pride of ownership. Meaning that if you buy something, no matter what you spend on it, if you use it repeatedly, then it's been a good purchase, regardless of what the price is. If you buy something and take it home and don't use it, that's been a bad expenditure of your hard-earned money.

STEWART: Let's talk to Kenneth from Asheville, North Carolina. Hi, Kenneth.

KENNETH (Caller): Yes, hello. I found that the recession has had me buy things more locally, and that actually even if something is a slight bit more expensive, I'm more likely to buy it locally because I know that that money is staying in the local economy. And I know a listener earlier mentioned that, you know, buying a \$3 T-shirt instead of a \$27 T-shirt. And I think that's a great point they made, but if the \$27 T-shirt is made in the United States and the \$3 T-shirt is made by child labor, then ultimately, even if I'm not paying the extra cost for that T-shirt, somebody else down the line is.

And I think that talking about the green becoming actually more of a moral issue than a political issue, it - the economy right now kind of invites us to notice the effects of our purchases beyond our own wallet and really on that kind of global scale because we can see that now.

STEWART: Kenneth from Asheville, thanks a lot.

Paco, he brings up an interesting idea, the idea of mindful consumption, mindful shopping.

Mr. UNDERHILL: I think that's a very... That movement, the localvore movement, is something that has a profound impact on our culture. I might point out that for almost 20 years, the local farmers market hasn't even come up on people's radar screens. And yet, as someone who lives in a city and someone who's been to the Asheville farmers market, the farmers market is an absolutely wonderful place. And the chance to be able to talk to the person who actually grew something or made something adds equity to both the purchase and joy to the acquisition process.

STEWART: You're listening to TALK OF THE NATION from NPR News.

Paco Underhill is joining us. He's the CEO and President of EnviroSell, a consulting firm.

And I know you consult various stores about how to invite consumers in and what would be better for their selling - for them to sell more. And Bob, from Ottawa, Illinois, he has some advice of his own.

What are - what is your advice, Bob.

BOB (Caller): T-F-T-M-C, Alison. When I walk around big-box stores and see items that are not priced, I figure they're not for sale. I'm not tracking down somebody to find out how much of my money I need to put for an item they're not proud enough to put a price on. And once I do find some items, if I have to wait long in line to check out, I'll just walk out of the store, leaving my cart full and say, money leaving the store.

(Soundbite of laughter)

STEWART: All right. Everybody in Ottawa, Illinois, the guy yelling money leaving the store, that's Bob.

BOB: Yep.

STEWART: Thanks for calling, Bob.

I understand from some of your research, that these big-box stores, because some people do need to shop at them because of the - one of the only things available to them, especially if they live in certain areas - that the bigger store, that that's probably going go by the wayside, these gigantic stores.

Mr. UNDERHILL: I think we have reached the apogee of the big box. It doesn't mean that the big box is going to go away. But that in our perennial quest to engineer cost out of the supply chain, we can actually run a store that has the same degree of products in it and do it in a smaller footprint.

STEWART: When you look into your magic crystal ball, Paco, what do you think the world of retail will look like five years from now?

Mr. UNDERHILL: Well, thank you for asking. I think the world of shopping is going to change more in the next five years than it has in the previous 100. And this is being driven by a number of different things. First is the concept of convergence, which is the idea of our online world, our bricks-and-mortar world, and our access to immediate information via our mobile phones.

Second trend which is affecting us is the continuing empowerment of women. That historically, up until this moment, we have lived in a world of shopping where stores have been owned by men, managed by men, designed by men, and yet we expect females to participate in it. Let's recognize also that there's some things that give us pleasure to shop for and there are other things that are simply routine purchases.

Alison, if 80 percent of what we spend money on on a week-to-week basis is routine, how come our kitchens or our laundry rooms can't go shopping for us?

STEWART: I want to go to Rachel(ph) as we sort of wrap up this topic because, Rachel, the next generation is helping to keep you in line, right?

RACHEL (Caller): Yes.

STEWART: Tell me a little bit about what goes on in your family.

RACHEL: Well, I've always been a frugal shopper, but I noticed now that I pay more

attention to it, I like - going back to what the gentleman said about meeting the person who - not only is selling the product but actually made it, I did that the other day.

But my daughter, she's using the vocabulary now, like she'll look at something - we went to the Disney Store for instance, and she's walking around and I promised her one thing because she had a really good report card, and she was deciding to think, well, I really don't need it, Mom. If you want, we don't have to find anything today because I don't need it. I just want it. And I thought that was kind of interesting.

And I was like, no, Mom, you can buy what you want. But she was like, but, you know, if you - if it's too much money, then we don't have to get it. I can just pick something else instead. So, she's aware of it, and I'm not sure if I kind of like it, but at the same time I'm kind of upset that she has to think about it that way.

STEWART: Rachel from Naples, Florida, thank you so much.

And Paco, we're going to finish with Rachel's point that a lot of people are having to make that distinction between want and need.

Mr. UNDERHILL: I - particularly for many of us - thank you Rachel for your daughter having recognized it...

STEWART: Yeah.

Mr. UNDERHILL: ...but many of us who are over age 50, what do we really need? Fruit, pasta, wine, olive oil...

(Soundbite of laughter)

Mr. UNDERHILL: ...yearly doses of socks and underwear, and then presents to tell people that we love them.

STEWART: That's a good point.

Paco Underhill, founder and CEO/President of Envirosell Consulting Firm, author of "Why We Buy: The Science of Shopping."

Thanks for walking through this with us.

Mr. UNDERHILL: My pleasure.

STEWART: I'm Alison Stewart. It's TALK OF THE NATION from NPR News.

(Soundbite of Music)

**LOAD-DATE:** March 23, 2009

**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
Cancellation No. 92054425**

**Declaration of Stephanie H. Bald**

**EXHIBIT 161**



*GARDENING TIPS & TECHNIQUES FOR THOSE WITH VISION PROBLEMS The Virginian-Pilot(Norfolk, VA.) March 28, 2009 Saturday*

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The Virginian-Pilot(Norfolk, VA.)

March 28, 2009 Saturday  
The Virginian-Pilot Edition

**SECTION:** AT HOME; Pg. R25

**LENGTH:** 342 words

**HEADLINE:** GARDENING TIPS & TECHNIQUES FOR THOSE WITH VISION PROBLEMS

**BODY:**

Gardening for people who are blind or have low vision can be challenging, but it can also be satisfying. VisionAware.org is a free, nonprofit online resource that can help them keep their gardens growing.

For the millions of Americans who have problems seeing, the idea of planting and tending to a garden may seem unrewarding. But losing your vision doesn't mean you have to put away the trowel.

Maureen Duffy, editorial director of VisionAware.org, suggests choosing plants for more than just their appearance. Roses, lilacs, lavender and gardenias are all excellent options for their aromatic qualities.

VisionAware.org offers these gardening tips for people with vision loss:

- \* Plant in raised beds to help create solid boundaries.
- \* Use tools with brightly colored handles for easy spotting.
- \* Call attention to garden stakes by securing old tennis balls to the tops.
- \* Mark newly planted areas with large print signs, decorative garden art or landscaping rocks.

**ON THE SHELF: HELP FOR THOSE UPHOLSTERY PROJECTS**

Has your overstuffed chair lost its stuffing? Do you have a garage-sale couch waiting for a makeover?

"The Complete Guide to Upholstery: Stuffed with Step-by-Step Techniques for Professional Results" by Cherry Dobson may be the resource you've been looking for.

The book covers a variety of upholstery styles, from traditional to modern. The projects are

explained with step-by-step instructions, so even the novice can feel like a pro.

Published by St. Martin's Griffin, the 144-page book sells for \$24.95 in paperback.

**ON THE WEB: THIS BLOG IS A MIGHTY GOOD THING**

Maybe the recession has put a damper on your home-decorating purchases. But it's OK to **window-shop** - even **online** - isn't it?

Take a look at the the Home section of the Mighty Goods blog ([mightygoods.com/categories/home](http://mightygoods.com/categories/home)).

Recent entries included a bunny dish for \$15 sold by Crate & Barrel, alphabet bookmarks for \$7 sold by Art Star and silver cards for \$8 offered by Patina.

Check it out. What do you have to lose, except a few more of your hard-earned dollars?

- From staff and wire reports

**LOAD-DATE:** March 29, 2009

**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
Cancellation No. 92054425**

**Declaration of Stephanie H. Bald**

**EXHIBIT 162**

*Comments: Week of June 1, 2009; Readers sound off on distraction, Janette Sadik-Kahn, and more. New York Magazine June 1, 2009*

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New York Magazine

June 1, 2009

**LENGTH:** 940 words

**HEADLINE:** Comments: Week of June 1, 2009;  
Readers sound off on distraction, Janette Sadik-Kahn, and more.

**BODY:**

1. Responses to Sam Anderson's "In Defense of Distraction" (May 25) included:

? "Your article was a great distraction from my work."

? "I actually managed to read this entire article **online** with only two Twitter refreshes and one **online window-shopping** session in between, while the pages were loading. I think that means you've written an excellent article."

? "I stopped reading after the first paragraph to see if there were any good comments."

? "I began reading with a commitment to hold to the author's challenge, but by page four I had toasted a bagel, twitted my remembrance of the victims of the Molasses Disaster, proclaimed to the world the name of my new punk band, and solicited suggestions for track titles. I then realized how distracted I had become, and with a gold Sharpie, I wrote above the function row on my laptop, "Are you procrastinating?" I then went back and finished the article."

? "This just strikes me because I am a large multitasker-I realized at one point this year that during my math course (which was easy, so I didn't feel a giant pull for attention) I was checking many news sources on my phone. I don't know if this is indeed bad or good."

? "This world of distraction, overstimulation, and attention-deficit-disordered behavior is, in fact, the real world and constitutes our real experiences of living in it. Of that much I am sure. Do not kid yourself. This is no illusion. Personally, I find it entertaining (another word for distracting?). I enjoy the negotiation of the various connections and intersections. And lately I'm beginning to get the knack of reading online. I've long since stopped writing with a pen."

? "For me, distraction is just therapeutic. Sometimes I have to do very mundane, repetitive tasks for hours at a time at work, and if I didn't check Facebook every once in a while, all I would earn myself is a tension headache and a really bad mood. As with most everything in life, distraction is good in moderation. By the way, I'm one of those terrifying Internet-generation kids, and I have no trouble triple-majoring at a quasi-Ivy League school while working part time and volunteering on a weekly basis. If you have the drive to do

something, you will get it done. At some point it becomes more important to you than surfing the Internet."

? "The problem is not that my children can hold 34 simultaneous conversations and that I (a spry 45-year-old) cannot. I can, and I do it more than they do. The difference is that I know the cost of this behavior. They are growing up without any real reference point to assess that cost with (something that I take part of the blame for), and believe this multitasked, hyperconnected state to be normal. It is not."

2. If attention-deficit disorder doesn't get you, traffic surely will. Regarding Michael Crowley's profile of Janette Sadik-Kahn, the city Transportation commissioner who is renegotiating the use of the streets so that more belongs to pedestrians and bicyclists and less to drivers ("Honk, Honk, Aah," May 25), the comments, mostly positive, cheered Sadik-Kahn on. "Now that I know who is making all these wonderful changes to my neighborhood and my borough, I want to say Thank you, Sadik-Kahn! Keep up the good work. How about a bike line all the way up Tenth Avenue/Amsterdam? It would help me get to work." Two-wheel evangelists made their case, including one who sees the recession as a possible boost to bike culture: "As the city enters a recession, know that there is no cheaper way to get around the city, to bounce from free summer concert to free gallery show to friends' apartments-to live rich lives regardless of income." But Sadik-Kahn also came in for a bit of the road rage that Crowley described as being directed at the anti-car movement, mostly by people who find the movement elitist. "I have no praise for Sadik-Kahn whatsoever. Bike lanes in Manhattan are one thing, but when you throw unused bike lanes all across the city, especially in outer-borough areas where there is not and never will be demand for them, it strikes a very arrogant tone that is disrespectful of the community. Taking away hundreds of parking spaces for unused bike lanes is just plain stupid." And a former air-traffic controller doesn't much like what he sees from her, either: "The primary goal of a Transportation commissioner should be the expeditious flow of traffic. Janette Sadik-Kahn's reshaping of the city's roads makes as much sense to me as would the truncation of the holding patterns around Kennedy airport in order to create a safe corridor for balloonists traveling to the Hamptons." For some, it was strictly practical considerations that hurt an otherwise tempting transportation plan. "As someone looking to start biking in the city, I'm discouraged to find that it's regarded as generally impossible to park a "nice" bike in NYC without doubling the price and weight of the bike with security measures. Put bike racks on more streets, create protected parking areas, and step up enforcement. I can't ride to a movie or dinner if I know I probably won't have a bike to ride back on."

3. The proprietors of the Gilt Restaurant at the New York Palace hotel wrote in to challenge the description in Jennifer Senior's "Recession Culture "(May 18). "It was highly disappointing and disturbing to read the unsubstantiated reporting that Gilt restaurant is 'on life support.' The situation is particularly ironic, as on May 12, the expansion of Gilt with a new seasonal patio called Palace Gate was the headline of your magazine's Grub Street food blog. Rumors of the restaurant's ill health were greatly exaggerated."

**LOAD-DATE:** May 26, 2009

**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
Cancellation No. 92054425**

**Declaration of Stephanie H. Bald**

**EXHIBIT 163**

*Chasing the lazy purchaser Express Computer July 20, 2009*

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Express Computer

July 20, 2009

**LENGTH:** 938 words

**HEADLINE:** Chasing the lazy purchaser

**BODY:**

T A Balasubramanian on why Web marketers should hound those customers who do only **online window-shopping**  
We return, once again to the bustling IT bazaar known as the Techno Over-exposition of Geeks and Gizmos for Lazy Enterprises (TOGGLE). You, Papyrus Bytewala, CIO of Baffle Corporation, are doing the rounds, accompanied by Danny DeVito, your inquisitive walking biped humanoid CTO.

"Well, well, so we meet again," says a familiar voice, and you turn to meet Gene Hackman, who, on last encounter, was the CEO of Virus Busters.

"Hey, you seem to live here permanently, Gene," chuckles DeVito, pleased to find his old friend in the teeming crowd. "So what is the latest hi-tech brainwave that brings you back here to bamboozle helpless guys like us?"

"Well, Danny, we technology nomads have to keep the show going, or else this exhibition will have to pack up," says Hackman, grinning. "But first, let me ask you-and Papyrus here-if you try on a shirt in a shop's dressing room, but choose not to buy it, would a persistent sales clerk follow you into the street yelling, 'Hey, are you sure you don't want it?' Or would you receive a call at your home the next day to check again if you want to complete the purchase?"

"There are uncivilized sales guys who might try that if they are reckless enough, but in general, no, that has not been my experience," you say.

"Quite so, Papyrus. Now, in the online world, no such civilized rules of modest pursuit apply. Visitors to Web stores who touch the goods but leave without buying-technically called 'abandoners'-may be subjected instantaneously to 'remarketing,' in the form of nagging email messages or phone calls."

"Remarketing. What a lovely idea!" says DeVito.

"Lovely indeed, Danny," you say, wryly. "Isn't it wonderful to hound the customer who dares to abandon your product?"

"Exactly our feeling," says Hackman, missing your sarcasm entirely. "For a Web marketer, minimizing abandonment by lazy customers is intuitively a good thing, but it raises two fundamental questions-how to track abandonment rates, and what to do to reduce them. Those two questions now have new answers, thanks to our innovative software called Hound Rebound."

"Do you have a dog at each website?" says DeVito, curiously.

"Well, not a literal dog, Danny," says Hackman. "Let's say the shopper places an item in a shopping cart or begins an application and does not complete the final step. Our study

shows that up to 70% of shopping carts, registrations, quotes and online forms are abandoned before they're complete. Now we have the means to capture all this as it happens, instantaneously."

"Do you have spies on each website, then?"

"No, of course not. Just a bit of smart look-ahead guessing. Technically, as soon as an address is typed into a box on a webpage, it can be sent to your server without even waiting for the visitor to hit the 'submit' button. Scripting technology makes it easy to send every letter you type on a keyboard to a remote server. Some search engines, for example, use this guessing game for a good purpose. As you begin typing in a search term, each letter is zipped to the server, which, without noticeable delay, pops suggestions at you that begin with the same sequence of letters."

"Hold it, Hackman," you interrupt, hotly. "I have to say that the idea that a visitor is not entitled to leave an online store empty-handed without being pestered relentlessly thereafter sounds distasteful enough. But having that chase begin immediately seems to be a new form of marketing brazenness. Remarketing, if you ask me, is a terrible form of organized customer harassment."

"Well, Papyrus, it is true that some marketers have expressed revulsion at the idea of collecting a visitor's information before the press of a 'submit' button. But then, making a sale is all about unfair persuasion, and all we are doing is putting smart technology to work here. The faster we can reach the wavering customer, the easier it is to push her to decide to buy. Hound Rebound remarketing depends upon knowing the email address of the wayward prospect. Knowing your phone number will make follow-up phone calls possible, too. And if you have signed in, a marketer would be able to find you with the email address you provided when you registered."

"This is beginning to sound like a sequel to The Terminator movie series," you say.

"Besides, my good friend Bazzaro Buyani, CEO of Wonderfully Inventive Marketing Push Systems-better known by the acronym 'WIMPS,'-dismisses shopping cart abandonment as a meaningless metric. He says there are many reasons why customers might not complete a purchase. He observes that the rate of abandonment rose substantially in the past few years, a reflection of intensified comparative shopping that visitors carry on with many sites simultaneously. Today, people are shopping at half-a-dozen sites at once, dropping items into carts at each one and reading reviews."

"Buyani is entitled to his opinion. But I do get his point, Papyrus. Also, we are sensitive to the possibility that instant email remarketing might appear to produce an increase in sales, but maybe we can't see the customers who are irritated and will never come back again."

"Ah, that is sweet of you, Gene," says DeVito, sounding relieved. "I think the guys with online shops should make a note of the self-restraint of retailers in physical stores. So when a visitor browses and leaves without buying, don't chase her down the street."

"We will do that in the next version of our software. It's called 'Hound Rebound Light'-which means we wait for a few days before dashing out after the abandoners."

**LOAD-DATE:** September 18, 2010



**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
Cancellation No. 92054425**

**Declaration of Stephanie H. Bald**

**EXHIBIT 164**

*Marketing focuses on women The Associated Press State & Local Wire July 20, 2009 Monday  
5:53 PM GMT*

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The Associated Press State & Local Wire

July 20, 2009 Monday 5:53 PM GMT

**SECTION:** STATE AND REGIONAL

**LENGTH:** 669 words

**HEADLINE:** Marketing focuses on women

**BYLINE:** By HEATHER CALIENDO

**DATELINE:** TULSA Okla.

**BODY:**

Entrepreneurs are finding success by marketing to just one group.

Web sites for women are the rage among Tulsa startups, as owners capitalize on a sense of exclusivity and, of course, sisterhood. John Calkins started She Said Pics, a company dedicated to women-targeted marketing.

"Everything I want to do with it is geared toward women," he said. "Basically I want it to be a women's business."

Calkins got the idea while working on a Web site for a local car dealership.

Upon doing marketing research, he kept coming across statistics that stated women make 80 percent of discretionary purchases. He said he also found studies that said women tell at least 12 other women about a good or bad shopping experience. To Calkins, marketing solely to women made business sense.

"Why wouldn't you market to women?" he said.

Calkins said his company will market to women in multiple ways, starting with an interactive **Web** site that lets women **window-shop** locally owned businesses.

"This is not an e-commerce site," he said. "But they will be able to find products and see prices and the site will help draw them to the store."

The more advanced 918moms.com is an online community where local moms swap stories and share advice. The site has about 56,000 users.

Deedra Determan, co-founder of 918moms.com, said the site has provided results for advertisers.

"Advertisers want to reach women because they are the ones making the purchasing decisions," she said. "Users are what draw advertisers to the site, and I think 918moms is a great place to reach the women audience."

Determan said the company doesn't just provide a banner ad, but integrates social media marketing.

918moms.com has been so successful the company is expanding into Oklahoma City, where 405moms.com will launch in the fall.

Moms' lives are so busy compared to even 10 years ago," she said. "I think the Internet is an outlet. Instead of lunch with a friend, or coffee with a neighbor, they get online to seek that level of comfort and friendship."

Web sites geared toward women have been gaining steam for some time nationwide. Bizymoms.com was created in 1997 to provide online resources for mothers that wanted to start a home business.

The site evolved to focus on specific cities and fosters discussion topics relevant to mothers, said Naren Arulrajah, president and chief executive of Bizymoms.com.

"We focus on simplifying a mom's life," he said. "We really are the single place where moms can find how to pay taxes and find the latest deals in their areas."

Bizymoms.com now attracts 8 million visitors annually; Arulrajah said they offer more than 20,000 original articles.

He said the site has no problem generating advertising dollars.

"We focus on what we do really well so we don't go get them; they come to us," he said. "People find us because they are looking to reach moms on the Internet."

While it's taking time to launch his business, Calkins said he is now getting solid responses.

At the end of August, She Said Pics will partner with several boutiques for a summer clearance sale.

"Some of the stores will have already switched to fall fashion," said Calkins. "So this will give them an avenue to bring in extra income."

She Said Pics is also branding a prepaid Visa card, which Calkins said will be a data tool for businesses to measure the effectiveness of their marketing expenses.

Calkins said he has plans for She Said Pics to go nationwide and eventually employ more than 4,000 women.

"I want to build a staff of ladies from sales to designing with the company," he said. "She Said Pics will be incredible marketing."

Arulrajah said there is a demand for Web sites to cater to women. He said the sites that fail are the ones that try to bribe people with offers that are not always substantial.

"We do grass-roots, we don't spend thousands trying to get advertisers," said Arulrajah. "If

you have a good site it will spread. We focus on fundamentals; we don't try to find a quick fix."

Information from: The Journal Record, <http://www.journalrecord.com>

**LOAD-DATE:** July 21, 2009

**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
Cancellation No. 92054425**

**Declaration of Stephanie H. Bald**

**EXHIBIT 165**

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Hartford Courant (Connecticut)

August 7, 2009 Friday  
STATEWIDE EDITION

**SECTION:** CTLIVING; Pg. C1

**LENGTH:** 907 words

**HEADLINE:** BACK-TO-SCHOOL SAVINGS;  
WITH A LITTLE SAVVY, YOU CAN FIND DEALS GALORE - AND PEACE OF MIND - SHOPPING  
ONLINE

**BYLINE:** KEN BYRON [kbyron@courant.com](mailto:kbyron@courant.com)

**BODY:**

It's time for the annual back-to-school shopping battles; parents and budgets on one side, kids and schoolyard bragging rights on the other. If you're dreading the thought of store aisle tug-of-wars over the latest fashions and supplies, here's a revolutionary suggestion.

Just skip it.

Instead of heading for the mall, shop in cyberspace.

Michelle Madhok, founder of MomFinds.com, says shopping **online** can save money - and your sanity.

"Do **online 'window shopping'** with your child, and get a sense of what he or she wants," advises Madhok. "Afterward, you can use search engines and coupon sites to find the best deals."

And deals are what parents are looking for, according to the National Retail Federation. The Federation's 2009 Back To School Consumer Intentions and Actions Survey revealed that parents will be spending less and bargain-shopping more than in years past.

"Americans will be looking far and wide for the best back-to-school deals, using newspaper ads, online promotion codes and a lot of comparison shopping before making decisions," says Phil Rist, executive vice president of strategic initiatives for BIGresearch, the company that conducted the survey.

Luckily, there are plenty of sites designed to help thrifty parents do just that. Search engine Pronto.com finds the best deals on kids' and teens' clothing from Nautica, Roxy, Candle's and other hot labels. At Rather-Be-Shopping.com, bargain hunters can find discount codes for more than 500 e-tailers, including Old Navy, the Gap, Aeropostale and American Eagle Outfitters.

In spite of the name, Cleverbabies.com posts the latest sale information, coupon codes and

bargains on big-kid fashions as well as baby items. FreeShipping.org is a destination for online consumers seeking the no-charge shipping deals offered by close to 1,000 online retailers.

When it comes to teens, bargain brands can be a hard sell. Try such online stores as Zappos, (great selection of the latest footwear at good prices), Target.com (cheap and trendy, a killer combination for cash-strapped parents), Wetseal.com (OMG, deals like teen and 'tween girl's ink-art tees, two for \$12, and cool jeans, buy-a-pair, get-a-pair-at-half-off), and UrbanOutfitters.com, (the chain offers URBN In Your Mobile service that sends special deals via text message to your high-schooler's cell). Charlotterusse.com is another allowance-friendly site for teenage girl fashions. Sign up for e-mail alerts, and you'll get 10 percent off your purchase.

(When you buy new stuff online, returns are inevitable. Be sure to save the packaging, shipping label and check the company's website for instructions on sending things back. Look for merchants who provide free shipping for returns or exchanges.)

Small fry can grow out of new clothes before you get the tags off, so you may want to consider buying used. At Zwaggle.com and Swaptree.com, you can trade in your children's outgrown or unwanted stuff for "new" items. Kidzola.com is an online classifieds site where parents can buy and sell children's clothes, toys, furniture and more. To find resale stuff available locally, go to Craigslist.com, click on "clothing and accessories," then type "childrens" into the search field. When buying used clothing, look for those labeled in "very good" or "excellent" condition.

Madhok says eBay can be a budget-minded mom or dad's BFF.

"I'm a huge eBay fan," says Madhok. "Kids grow out of clothes quickly, so there is a big resale market for high-quality brands and lightly worn items. You can search for really specific stuff, like GAP boy's pants, and set up e-mail alerts for the brands and styles you're looking for."

#### SCHOOL SUPPLIES

Notebook, pen and trapper keeper costs can add up faster than detentions for lost homework. Before you head to a store for school supplies, check your house for pens, pencils, note paper and folders from last year, and see what can be recycled. Once you've got a sense of what you need, check out Staples.com, Restockit.com (school supplies are as much as 60 percent off at this site right now) and other office-supply website for deals. If you can get together with other parents and buy supplies in bulk, you'll save money and get free shipping.

At Sortfloorbooks.com, you can find books from Scholastic Press and other classroom publishers at bargain prices. (Shop before the end of the month, spend \$24.99 or more, enter the code "Summer09," and you'll get 10 percent off your order. Spend \$14.99, and you'll get free shipping.)

Online Extra: On The Web For your complete Back To School guide, including town-by-town school information, fashion trends, shopping tips and more visit [www.courant.com/backtoschool](http://www.courant.com/backtoschool) Find money-saving tips for dressing up your dorm room on Page H1 of today's CTHome section.

Websites that can save you money on back-to-school clothing and supplies:

\* [Rather-Be-Shopping.com](#) - Bargain hunters can find discount codes for more than 500 e-tailers, including Old Navy, the Gap, Aeropostale and American Eagle Outfitters.

\* [Target.com](#), [Wetseal.com](#) - These sites have deals like teen and 'tween girls' ink-art tees, two for \$12; and cool jeans: buy one pair, get one pair at half off.

\* [UrbanOutfitters.com](#) - The chain offers URBN In Your Mobile service that sends special deals via text message to your high-schooler's cellphone.

\* [Staples.com](#), [RestockIt.com](#) - School supplies are as much as 60 percent off right now, and other office-supply websites offer similar deals

**GRAPHIC:** PHOTO: COLOR, Illustration By PETE RYAN

**LOAD-DATE:** August 8, 2009



**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
Cancellation No. 92054425**

**Declaration of Stephanie H. Bald**

**EXHIBIT 166**

Global Broadcast Database - English November 30, 2009 Monday

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Global Broadcast Database - English

**SHOW:** CHANNEL 6 NEWS 5:08 AM NBC

November 30, 2009 Monday

**LENGTH:** 219 words

**STATION:** 6 WTUJ  
MIAMI

**BODY:**

COUPONS, DISCOUNTS AND FREE SHIPPING OFFERS. DON'T FORGET TO USE THE SOCIAL NETWORKING SITES TO MONITOR THE GOOD DEALS.

>> IF YOU WANT TO RAISE YOUR HAND TO THE BARGAIN, THE INTERNET IS BEHAVIORIAL TARGETED. RETAIL ONE ON ONE. GIVE YOU THE BEST PRICE YOU NEED TO BUY BUT NO LOWER. IF YOU DON'T USE COUPONS I'M NOT GOING TO SERVE THEM TO YOU. IF YOU TAKE ADVANTAGE SIGN UP FOR NEWS LETTERS, BECOME A FACEBOOK FAM OF THE RETAILERS AND HAVE IN TECHNOLOGY TERMS PUSHED TO YOU. >> FOLLOW YOUR FAVORITE MALL OR STORE ON TWITTER FOR LINKS TO DEALS AND COUPONS AS WELL. YOU'LL FIND THE BEST DEALS WERE EARLY, REALLY EARLY, A LOT POSTED AFTER MIDNIGHT BUT STILL PLENTY OF GREAT DEALS AVAILABLE THROUGHOUT THE DAY AND SHOPPERS REMEMBER TO BE PREPARED WHEN YOU LOGON TO BUY. DON'T JUST LOOK OR **WINDOW SHOP ON-LINE.** >> YOU GOT IT. >>> BARGAIN BLAST. >> HEY, ALI'S COMFORT CAFE GOING TO GIVE YOU A FREE SIDE ORDER OF FRENCH FRIES WITH THE PURCHASE OF A LUNCH ITEMS AND A DRINK. PART OF THE DEAL DONATED TO FOREVER FAMILY TO PURCHASE GIFTS FOR CHILDREN AGING OUT OF THE FOSTER SYSTEM. >> A CHECK ON TRAFFIC AND WEATHER. >> ALSO RIGHT NOW, WE'RE MONITORING THE NEGOTIATIONS IN WASHINGTON, WHERE POLICE ARE TRYING TO CONVINCING A MAN BELIEVED TO BE CONNECTED TO THE COFFEE SHOP SLAYINGS OF FOUR OFFICERS TO GIVE HIMSELF UP. >> THEIR LAT

**LOAD-DATE:** December 1, 2009

**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
Cancellation No. 92054425**

**Declaration of Stephanie H. Bald**

**EXHIBIT 167**

*Popular Demand The New York Times December 14, 2009 Monday*

Copyright 2009 The New York Times Company  
The New York Times

December 14, 2009 Monday  
Late Edition - Final

**SECTION:** Section B; Column 0; Business/Financial Desk; Pg. 10

**LENGTH:** 92 words

**HEADLINE:** Popular Demand

**BYLINE:** By SHELLY FREIERMAN

**DATELINE:** Visitors shopped last month

**BODY:**

or perhaps engaged in the **online** version of **window shopping** -- at sites like **Amazon**, above, and eBay, where there was a wide selection of items and a host of discount offerings. Wal-Mart did very well online, just as it has in its brick-and-mortar stores, surpassing Target by just over 10 million visitors.

During the week encompassing the day after Thanksgiving, the same four led the top 10. Shoppers also visited sites offering electronics deals, like Best Buy and Dell, as well as department store and wireless service companies.

SHELLY FREIERMAN

**URL:** <http://www.nytimes.com>

**GRAPHIC:** PHOTO CHARTS: RETAIL WEB SITES  
MAGAZINES  
BROADCAST TELEVISION  
MOVIE BOX OFFICE  
MUSIC ALBUMS  
CABLE TELEVISION  
DVD RENTALS  
MUSIC DOWNLOADS (Sources: Nielsen Company (television)  
Nielsen NetView (Popular Demand)  
Screenline (movies)  
Home Media Magazine (DVD rentals)  
Mediaweek (magazines)  
Nielsen Sound- Scan/Billboard (music))

**LOAD-DATE:** December 14, 2009  
*BACK-TO-SCHOOL SAVINGS; WITH A LITTLE SAVVY, YOU CAN FIND DEALS GALORE - AND  
PEACE OF MIND - SHOPPING ONLINE Hartford Courant (Connecticut) August 7, 2009 Friday*

**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
Cancellation No. 92054425**

**Declaration of Stephanie H. Bald**

**EXHIBIT 168**

*The Bismarck Tribune March 8, 2010 Monday*

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The Bismarck Tribune

March 8, 2010 Monday

**SECTION:** LIFE; Pg. 1C

**LENGTH:** 658 words

**BODY:**

ATLANTA -Being poor is no disgrace. It's just inconvenient.

When money is tight there are ways to provide yourself and your family with an adequate computing system. You'll go to a little extra trouble, but it can actually be fun. Consider this a poor folks' guide to computing. Gosh knows there are plenty of us these days.

We'll start at the bottom, when the money you can spend on computing is extremely limited and then work our way up for times when there's a bit more cash to spend.

Less than \$100 to spend

We're talking yard sales for the most part. I've seen decent computers -usually with processor speeds of 1 gigahertz or more -selling for \$50 at yard sales. That price often includes an old analog type monitor. In a lot of homes, the old style monitor has been replaced with an LCD wide screen. The old monitors are plentiful and can still do a fine job.

Often times the person running the sale won't know the specifications for the computer. So, ask if they will plug the computer in for you. That way you'll know whether it works and can also check -by clicking on System Properties -the speed of the processor and the size of the hard disk.

I realize that not everyone will be willing to turn the computer on. But I highly recommend that -unless the computer is an incredible bargain -you keep shopping until you find someone willing to let you see that the machine works.

In the \$200 plus price range

With that size bank roll you can shop at stores that sell used computers. While you can also find inexpensive computers on eBay, buying from a store gives you more protection. And you'll be able to see the machine working before you buy it. Some stores even offer 30-day warranties -that's a short time period but it's long enough to weed out real lemons.

I used a Google search like this for locating PCs in my area -(plus sign)Atlanta used computers (plus sign) Atlanta -and found plenty of stores. Spend some time shopping around at various stores, and also do a bit of research. If you type this search into Google -tips for buying used computers -you'll get plenty of advice.

While you're doing your research also use Google to check out the store. If a store has disappointed its customers you'll often read about it on the Web.

Above \$200

You're now at the point where the least expensive new computer is probably a better idea than a used computer. I used the **Web to window shop** at several stores and didn't have a problem finding a good selection in the \$400-plus range.

For that money you get a computer and a one-year warranty. That's why -in most cases -I'd suggest spending more to get a new one.

You'll notice I've said "in most cases." For families that need a really powerful computer, there's another option. That's either buying a used or a refurbished computer.

At times -and you'll need to do some shopping to find the right machine -you'll find a more powerful computer for about the same money as the cheapest used ones. Dell ([www.dell.com/outlet](http://www.dell.com/outlet)) and Tiger Direct ([www.TigerDirect.com](http://www.TigerDirect.com)) are among the dealers that sell refurbished machines.

I'm high on refurbished machines. They either were returned because of a manufacturing flaw or -at times -for no good reason at all. When you deal with a reputable dealer -and I count Dell and Tiger in that group -the machine has been repaired and checked out. In some cases, it's received more attention than a PC right off the assembly line.

Like I said in the beginning, not having enough money to buy the latest and greatest computer is no disgrace. These are tough times. And there are several bonuses in spending the extra time to find a computer you can afford.

You'll enjoy it more without worrying about credit card debt and, since you need to do some homework before shopping, you'll end up knowing more about computing than a person who simply flashed some plastic at the cash register.

Bill Husted writes for The Atlanta Journal-Constitution. E-mail: [tecbud\(at\)bellsouth.net](mailto:tecbud(at)bellsouth.net).

**LOAD-DATE:** March 8, 2010

**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
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**Declaration of Stephanie H. Bald**

**EXHIBIT 169**



*The great retail search splurge Marketing August 4, 2010*

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Marketing

August 4, 2010

**SECTION:** Pg. 29

**LENGTH:** 1387 words

**HEADLINE:** The great retail search splurge

**BODY:**

Cash-strapped shoppers are making unprecedented use of the web to compare deals and find out what their peers think of a brand. For retailers, then, search marketing is vital, writes Kim Benjamin.

Hardly a month goes by without some reference to a boom in internet retail. In May, for example, total online sales increased by 22% on the same month last year to pounds 4.5bn. The figure - equivalent to pounds 73 for every person in the UK - is the biggest year-on-year growth since June 2008, according to the IMRG Capgemini e-Retail Sales Index.

Perhaps the biggest driver of online retail is the rise of the 'savvy shopper', who has become reliant on the internet, rather than the high street, to seek out the best deal. According to retail industry analyst Verdict, 49% of shoppers research online before buying in-store, while 16% base purchasing decisions on reviews written by their peers **online**. Verdict says the ability to '**window shop**' both **online** and in-store appeals to wary consumers affected by the recession.

'Many of these savvy shoppers now research a product or brand online before making a visit to the high street,' says Alison Lancaster, retail consultant and home shopping director at clothing retailer White Stuff. 'If a brand or its products are not successfully found on Google, Bing or Facebook, these shoppers may never visit its stores.'

The trend is prompting traditional retailers to invest further in search activity and exploit ecommerce opportunities. Colette Wilson, who oversees ecommerce at House of Fraser, says the department store is currently working on its search marketing strategy, while Selfridges recently launched its first transactional website. David Walmsley, director of ecommerce at electronics retailer DSGI, which owns the Currys and PC World brands, says the retailer works with the major search engines and shopping bots - specialist merchandise search engines, such as PriceGrabber.co.uk, which compare prices and present user and expert reviews.

'Our goal is to be where our customers start their shopping journeys,' he explains. 'Savvy shopping behaviour represents a huge opportunity for us. Our customers are sophisticated multichannel shoppers - the majority flip between online and high-street stores with ease.'

As consumers spend more time researching before they buy, there are inevitable effects on the cost of search terms. Huw Aveston, manager of search agency Forward3D, claims retailers are focusing their PPC efforts on keywords that relate to the end of the purchasing cycle.

'When budgets are limited, it makes sense to compete as the consumer is about to push the 'go' button,' he says. 'Knowing your customer is just as important online as it is offline. From a search perspective, this will mean picking the battlegrounds - a premium retailer, for example, will compete on the term 'LV handbags', rather than 'Maxi dress'.'

#### Peer pressure

Consumers are also basing their purchasing decisions on genuine customer ratings and reviews, rather than relying solely on what brands say about themselves, or their relative positioning in Google search results. So it is important for a brand to have a search engine optimisation (SEO) strategy in place to promote its customer ratings and favourable reviews.

'A retailer can spend a lot on pay-per-click campaigns, but if it isn't fully engaged with its customers online and empowering them to discover what others think of it, it could lose vital traffic to its website and footfall in its shops,' says Lancaster.

This is a view shared by Julian Ireland, head of strategy and digital planning at media agency the7stars. He contends that retailers have come to realise that they need a balanced SEO and paid-search strategy to promote their brand around online queries relating to their products. 'Paid search has long demonstrated its value in meeting customers' needs toward the end of the purchase cycle,' he adds. 'SEO has remained, until relatively recently, the preserve of sectors such as travel, IT and finance, but it seems that SEO is now finally on everyone's agenda. There are now many elements to consider, such as on-page optimisation, off-site link generation, accessibility, shopping feeds, comments and reviews.'

Online fashion retailer my-wardrobe.com uses a mixture of social media, pay-per-click activity and affiliate marketing to target its customers. Its buying director, Luisa de Paula, says all retailers now need an online presence.

'Online is the natural evolution of shopping, catering to the anytime, anywhere culture as the pace of life accelerates and consumers become more time-poor,' she adds. 'There will always be a need for bricks and mortar, and some people prefer to shop this way, but online will play a bigger part in the process.'

There is little doubt that competition is fierce among retail brands as they attempt to win over cash-strapped consumers who are now demanding more options when it comes to shopping. The emergence of shopping clubs such as Cocosa and eBay, which has expanded with its Outlet, selling products directly from manufacturers, has increased competition for brands.

With people researching online before making a purchase in-store, retailers' websites need to contain product guides and reviews, customer feedback and facilities to compare products on price and specification - all of which have to be as up to date as possible.

Investing in, and balancing, SEO alongside paid-search activity is enabling retailers to deliver on these expectations and influence purchasing decisions. Those that fail to invest in these areas risk being left behind.

It is likely that online sales will continue to outperform sales on the high street for the foreseeable future, so missing the boat is not an option for the vast majority of traditional retailers.

#### SHOPPING ON THE GO

The growth of mobile search is likely to have a sizeable impact on the high street, as consumers will be able to seek out the best deals at the touch of a button. It is a trend that has not gone unnoticed by Marks & Spencer, which in May became the first major UK retailer to offer a full mobile shopping service.

Customers on the move can shop on M&S' mobile-optimised website, which has been developed to facilitate ecommerce via any web-enabled mobile phone or device. According to Edward Cowell, SEO director at search marketing agency Guava, mobile search is a powerful tool, helping to bridge the gap between consumers' online and offline experiences. 'It will certainly be the next wave in multichannel retailing,' he says. 'Retailers such as Argos have already embraced the medium with their mobile apps.'

With customers able to search for the best deals at the touch of a button, stores risk becoming expensive showrooms for consumers to see a product in the flesh before buying it online. David Walmsley, director of ecommerce at DGSI, insists that the electronics retailer does not have this problem because its in-store 'Price Promise' persuades consumers that they are getting the best deal.

Malcolm Pinkerton, senior retail analyst at Verdict, believes that retailers need to begin using the potential of mobile search to provide customers with a unified shopping experience, greater choice and convenience, as well as to build more meaningful relationships with them.

'If correctly implemented, mobile search and commerce will create an integrated shopping experience that will not only ensure that the needs of tomorrow's shoppers are met today, but that growth is maximised across all channels,' he says.

#### ONLINE SHOPPING

- Online shopping at home peaks between 7pm and 9pm.

- At work, it tends to peak between 11am and 1pm.

- For mass merchandisers (such as Amazon and Tesco.com) and clothing and homewares stores (such as Next and Debenhams), the general peak shopping time is early to mid-afternoon. For DIY and garden retailers (such as B&Q and Homebase), it is late afternoon. For fashion outlets (such as ASOS), it is 8pm to 9pm.

- Shopping and directory guides tend to have a much more erratic peak of mid-afternoon and 7pm to 9pm.

Source: UKOM/Nielsen

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**LOAD-DATE:** August 4, 2010

**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
Cancellation No. 92054425**

**Declaration of Stephanie H. Bald**

**EXHIBIT 170**

*mallMerlin app is making magic The State (Columbia, South Carolina) August 26, 2010  
Thursday*

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**The State**

Found on TheState.com

The State (Columbia, South Carolina)

August 26, 2010 Thursday

**LENGTH:** 402 words

**HEADLINE:** mallMerlin app is making magic

**BYLINE:** ALLYSON BIRD; postandcourier.com

**BODY:**

What seemed like a risky venture — opening a brick-and-mortar downtown store to promote and distribute an iPhone application — survived its first year and recently caught the eye of one of America's largest shopping center owners and developers.

Slicker Interactive of Charleston and CBL & Associates, which includes Columbia Place in its holdings, have announced a partnership. They plan to launch an application called mallMerlin for Apple's iPhone, iPad and iPod Touch to guide shoppers, step by step, to the stores and deals they seek.

Tommy Dew, a Charleston tour guide and chief executive of Slicker, said the free mobile application leads customers to malls with the service, then shows them the stores inside and which of those businesses offer the products the shopper wants.

In other words, the service offers turn-by-turn directions straight to that pair of stonewashed skinny jeans.

Retailers who pay for extra features can offer digital coupons or other marketing pitches to the customer in real time.

The partnership takes Slicker's technology into 85 regional malls and more than 10,000 storefronts across the country. Dew said the service should come online by this year's holiday season.

Dew and Chris Metts, the techie of the two partners, launched the first self-guided walking tour application for the iPhone called Charleston City Slicker in 2008. Last year they opened their 1,200-square-foot store just off the City Market on Church Street, and drew praise from Apple for their product.

CB&L also owns Citadel Mall and Northwoods Mall in the Charleston area, Coastal Grand in Myrtle Beach and WestGate Mall in Spartanburg.

Customers can shop by category or by store or even **window-shop** with the application, free for download from the iTunes **online** store. Retailers also get their digital storefronts on the app at no charge.

Slicker cashes in when those businesses choose to upgrade their presence. For \$25 per month they can display 25 captioned photos of their products, and for \$50 a month they can add video and send customers digital coupons while they peruse the store.

All the while, retailers' marketing departments in far-away cities can monitor customers' behavior in real time.

Dew likens mallMerlin to a printing press, saying, "We give them tools to self-publish." Retailers then decide how aggressively they want to promote their wares, and customers to choose how much they want to share.

**LOAD-DATE:** August 27, 2010

**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
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**Declaration of Stephanie H. Bald**

**EXHIBIT 171**



Copyright 2010 Business Wire, Inc.  
Business Wire

October 5, 2010 Tuesday 2:15 PM GMT

**DISTRIBUTION:** Business Editors; Retail Writers

**LENGTH:** 522 words

**HEADLINE:** ArrestSalesKillers.org Adds a New Fugitive to the Watch List;  
Clickaway Carol Wanted for Repeat Cart Abandonment; ArrestSalesKillers.org Continues to Raise Awareness of the Retail Industry's Most Wanted "Sales Killers"

**DATELINE:** SAN DIEGO

**BODY:**

ArrestSalesKillers.org, the retail industry's newest go-to resource for information on lost sales and revenue-driving opportunities, today announced that Clickaway Carol has been identified as a new culprit responsible for billions in lost retail sales due to serial neglect of online shopping carts. Clickaway Carol is the newest fugitive to be included on the "most wanted" watch list at ArrestSalesKillers.org for contributing to the \$275 billion in lost sales and revenue-driving opportunities each year.

Clickaway Carol is wanted for routinely "window shopping" on retailers' e-Commerce sites and filling online carts with valuable merchandise she never actually purchases. She constantly tries to save money, stalking the best prices across the Internet and endlessly searching for promo codes in hopes of a discount. But eventually, either due to surprise fees and shipping charges, distractions or growing doubts about her pending purchase, she shamelessly abandons her cart and moves on.

"Retailers are facing Clickaway Carol's 'crime sprees' every day," said Rich Harmatiuk, VP and General Manager of Escalate Retail. "Clickaway Carol and other online shoppers just like her often daydream about new purchases, but resist clicking the 'Buy' button for a variety of reasons. ArrestSalesKillers.org can help retailers understand the strategic imperative for All-Channel Commerce capabilities that eliminate the barriers Clickaway Carol encounters when shopping online."

Industry response to ArrestSalesKillers.org has been overwhelmingly positive since its official launch, as retailers learn more about how to identify and stop these "Sales Killers" with the security of All-Channel Commerce. In addition to cart abandonment, ArrestSalesKillers.org identifies and addresses several of retailers' "most wanted" culprits responsible for lost sales, including:

- . Out of stocks (AKA - The hit and run shopper)
- . Mobile competitive shopping (AKA - Armed and dangerous)
- . Time-starved shoppers (AKA - The time bandit)

Don't let Clickaway Carol and the other fugitives put a hit on your stores. Stay apprised of all the latest information on lost sales, profiles of the sales killer culprits and tips for arming your business with the right tools to combat this crime wave at ArrestSalesKillers.org, and by following them on Twitter and Facebook .

About ArrestSalesKillers.org

ArrestSalesKillers.org is dedicated to helping retailers eradicate the lost sales, eroding market share and faltering customer loyalty caused by the unmet expectations and unfulfilled demands of today's shoppers. Our weapon of choice? All Channel Commerce. By offering customers rich, personal retail experiences at every touch point - enabling

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them to shop when, how, and where they want - we stand firm in the belief that the retail community can arrest the influences of sales killers for good. For more, follow @SalesKillers on Twitter .

ArrestSalesKillers.org is sponsored by Escalate Retail .

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catherine@ketnergrou.com; jeff@ketnergrou.com

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**LOAD-DATE:** October 6, 2010

**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
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**Declaration of Stephanie H. Bald**

**EXHIBIT 172**

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October 21, 2010 Thursday 2:06 PM EST

**LENGTH:** 1468 words

**HEADLINE:** How the Fashion Industry Is Using Digital Tools to Increase ROI

**BYLINE:** Yuli Ziv

**BODY:**

Oct. 21, 2010 (Mashable delivered by Newstex) --

Yuli Ziv is the founder & CEO of Style Coalition, a network of independent online publishers in the fashion and lifestyle vertical, based in NYC. She blogs on social media, entrepreneurship and tech at YuliZiv.com. Follow her on Twitter @yuliz.

The fashion industry has deep roots in traditional business practices and has been late to adopt new technology. Nearly every aspect of the industry relies on people rather than machines " everything from hand-sketched designs to the buying process, where an individual buyers personal tastes can dictate an entire department stores orders.

In the past few years, weve been seeing all aspects of the industry suddenly affected by new technology, increasing efficiency and providing much needed data analysis and tracking components. Instead of relying on people to analyze, project and improve, fashion brands now have the digital technologies to meet these needs in a much faster way.

#### 1. Buying Process: Crowdsourcing Styles, Better Projections

Until recently, fashion retailers relied on the expertise of merchants and buyers to use their best judgment to identify which designs have the most commercial potential. Historical sales data never resulted in consistently better merchandising decisions, because it doesnt add much value in making forecasts for trend-driven product categories. In fashion, what merchants and buyers require is information or data about whats going to happen, not what already happened.

These days, companies like StyleHop are allowing fashion merchants and buyers to leverage crowdsourcing to get forward-looking, fast-turnaround, predictive analytics that dramatically improve their style picking capabilities. One collective intelligence company in the fashion space has conducted pilot research that shows, when done correctly, crowdsourcing can improve product selection by more than seven times. Leveraging collective intelligence helps retailers pick more productive inventory, leading to lower markdowns, higher profits and a better selection for fashion-hungry consumers.

FashionStake is solving the same issue with a different approach. It allows customers to invest in a designer or a brand by pre-ordering the items. That way, the company allows the designers to produce to order, instead of pushing quantities that may not sell later. This minimizes the risk and allows informed planning of the produced quantities.

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## 2. Online Shopping: Smarter Tools Mean Fewer Returns

One of the major challenges that most online retailers face is the high percentage of returns; things don't fit right, the quality of the material is off, or the customer just doesn't like it. But there are a few companies in the space who are trying to solve the issue by providing more accurate measurement tools and personalized user profiles.

MyShape, one of the pioneers in the space, developed a patented technology that matches shoppers with items that correspond to their personal measurements and preferences, solving the age-old problem of finding clothes that fit and flatter for millions of women. In 2009, MyShape introduced Sizeless Dressing which allows women to skip the size labels with the assurance that each piece of clothing they purchase will fit and flatter them. With vanity sizing so prevalent in today's market, it is often near impossible to guess what size you are from brand to brand.

The newly launched Estonia-based Fits.me is getting lots of buzz these days, after launching with the retailer Hawes & Curtis. Fits.me is a Virtual Fitting Room that helps to solve the single biggest problem for apparel e-commerce: that consumers can't try the clothes on before they buy. The site's shape-shifting robotic mannequin takes your body measurements and mimics your shape so that you can see exactly how clothing would fit you. The site has been such a success that online German retailer Quelle saw three times the clothing sales and reduced returns by 28%.

## 3. Online Shopping: Customization Yields Better Sales

When it comes to the actual shopping experience, customization and personalization seem to be the one area where fashion retailers are lagging. But companies like Amadesa are providing a set of solutions targeted at increasing ROI, or simply saving the number of clicks until purchase. From shopping cart optimization to relevant product recommendations and end-to-end testing, Amadesa is helping online retailers convert online window shoppers into actual paying customers. New technologies such as A/B and Multivariate Testing, which didn't exist in retail stores, let customers' online actions determine what works best. Now retailers can test images, promotional copy, offers, and a myriad of other elements to improve ROI.

## 4. In-store Shopping: Collecting Data to Maximize Purchases

Just like Amadesa is tracking and analyzing online shoppers, other companies are taking on the challenge at the actual stores, with the help of new mobile technologies. Until now, stores had very little data about shoppers and their experiences, unless a transaction had been made. With the increasing popularity of location-based mobile technologies, retailers are able to track their customers, virtually communicate with them, and of course offer promotions. The two main players in this space offer different approaches.

Novitaz created a complete platform for tracking and managing in-store customer experience by offering a unique device with an active-RFID chip embedded into a credit card or loyalty card, which shows consumer location. It also requires a mobile phone to communicate with the consumer. The platform provides session metrics about consumer preferences, which can then be compiled into a customer profile so later offers can be tailored individually.

Another company competing for the personalized offers offline is ShopKick. Instead of supplying the customer with a special device, it relies on their existing mobile phones. In this case, the main implementation is done on the retailers' side. ShopKick installs devices in-store, similar to Wi-Fi access points, and the device sends inaudible audio signals, which interact with a phone's microphone. The offers get sent to the phone, which include the ability to earn points, Facebook currency, song downloads, and instant gift cards that can be redeemed in-store.

## 5. Media Coverage: Tracking Influence on Sales

All of the solutions above are optimizing the customer ROI, but what about tracking and optimizing media and press? Historically, media coverage has been a major catalyst of retail sales, with magazines dominating the trends for years " making or breaking items simply by featuring them on their glossy pages. Today, the landscape is more complicated, as online press and the proliferation of fashion bloggers are now just as responsible for a major spike in sales. The question is, how do brands keep track of all these media outlets and how do they measure the influence of one versus another?

Fashion GPS is addressing the issue and is truly revolutionizing the space by allowing brands to manage and track all their media connections in one dashboard. Recently, by becoming the official partner of IMG and Mercedes Benz Fashion Week, the company brought the analytics into more than 80 runway shows produced in New York last month.

By integrating bar coded invitations, Fashion GPS was able to track ROI for quality (and track loyalty) of attendees compared to the cost of show production. Brands were able to automatically track media members and the fashion shows they attended, thus keeping a record of their attendance for future reference. In the future, the company plans to add an option to also track media output per media attendee. This will help brands understand which media players are most valuable to their brand image.

This system creates a loop in the fashion show cycle by determining where the dollars should be invested: who should be invited to shows based on their value to the brand (their editorial output or publicity created) and who should receive priority both in terms of invitations and honoring sample requests in the future.

More Fashion Resources from Mashable:

- How Social Media Has Changed Fashion Week
- HOW TO: Follow Fashion Week Online
- HOW TO: Score the Best Fashion Deals on the Social Web
- 14 Sites Changing the Way We Shop
- 10 Essential Accessories for the Fashionable Geek

Image courtesy of iStockphoto, Brainsil

More About: amadesa, business, crowdsourcing, fashion, fashiongps, fashionstake, fit.me, myshape, novitaz, online shopping, ROI, shopkick, sizeless dressing, stylehop

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**LOAD-DATE:** October 21, 2010

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**Declaration of Stephanie H. Bald**

**EXHIBIT 173**

Copyright 2010 American Broadcasting Companies, Inc.  
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ABC News Transcript

**SHOW:** GOOD MORNING AMERICA 7:42 AM EST

November 29, 2010 Monday

**LENGTH:** 689 words

**HEADLINE:** CYBERMONDAY MADNESS;  
ONLINE SALES OUT OF SIGHT

**ANCHORS:** ROBIN ROBERTS, GEORGE STEPHANOPOULOS

**REPORTERS:** BECKY WORLEY (PHOENIX, AZ USA)

**BODY:**

CONTENT: CYBER MONDAY, EBAY, AMAZON

ROBIN ROBERTS (ABC NEWS)

(Off-camera) We are back at 7:42. And first there was Black Friday, now Cyber Monday. That's today, with everyone back at their computers after Thanksgiving weekend. Almost 20% of Americans are expected to go online and do some holiday shopping today.

GRAPHICS: CYBERMONDAY MADNESS

GRAPHICS: ONLINE SALES OUT OF SIGHT

ROBIN ROBERTS (ABC NEWS)

(Off-camera) And retailers are rolling out some of their best deals of the year to capture those online dollars. Our cyber insider, Becky Worley, joins us now live from Amazon Shipping Center in Phoenix. Becky, they're going to have their hands full filling these orders today.

BECKY WORLEY (ABC NEWS)

(Off-camera) They are, Robin. Amazon was the number one most visited site on Black Friday. And it wasn't just Amazon that was happy with shoppers' purchases. Online, in the malls, and now on our phones, the numbers were good as we made our holiday purchases.

BECKY WORLEY (ABC NEWS)

(Voiceover) Black Friday is the day known for shopping bedlam like this scene at a Target in Buffalo, New York. While most shoppers showed more restraint, they did come out in force looking for bargains. According to the National Retail Federation, 212 million shoppers visited stores and websites over the Black Friday weekend. That's up 6% from last year. And they spent more too. The average shopper spent \$365. That's 20 bucks more than last year.

LORI WACHS (FOUNDER OF CROSS LEDGE INVESTMENTS)

Consumers are starting to feel better. They're spending on discretionary items such as jewelry and even themselves.

BECKY WORLEY (ABC NEWS)

AMZN004211



(Voiceover) But sometimes the packages have it harder than the shoppers as these YouTube videos show. In fact, the editors at "Popular Mechanics" conducted an unscientific test, wrapping up motion detectors and sending them across the country. The safest way to ship your gifts? The good old post office.

GRAPHICS: AVERAGE DROPS

BECKY WORLEY (ABC NEWS)

(Voiceover) FedEx had an average of around 3.1 drops per shipment. UPS had two. And the postal service? 0.5. And that shipping is important as we all turn to online shopping this Cyber Monday. Analysts predict 106 million shoppers will be scouring the web for bargains, and many buying on the go.

GRAPHICS: 106 MILLION SHOPPERS

GRAPHICS: 59% OF CELLPHONE USERS

BECKY WORLEY (ABC NEWS)

(Voiceover) 59% of cell phone users say they'll use their phones to shop this season. And we're not talking about making calls. They're checking inventory in nearby stores, reading reviews and, of course, comparing prices. An app from eBay lets you compare in-store prices to discounted merchandise sold on the auction site.

STEVE YANKOVICH (VICE PRESIDENT OF EBAY MOBILE)

As we walk around with a mall in our hand, I've got prices in my hand. I have options in my hand as I'm in a particular retailer's brick and mortar store. And that's, that's different.

BECKY WORLEY (ABC NEWS)

(Voiceover) In the end, your cell phone may offer the fun of window shopping combined with the satisfaction of getting the very best deal.

BECKY WORLEY (ABC NEWS)

(Off-camera) Now, you may think that those mobile purchases are made by 20-somethings in cities. But eBay put out a heat map of where all those mobile buying sites were.

GRAPHICS: NATIONAL MAP

BECKY WORLEY (ABC NEWS)

(Voiceover) And by zip code, it was really rural, South Carolina, Pennsylvania, Texas, even Utah. So it's definitely something that's empowering rural buyers.

BECKY WORLEY (ABC NEWS)

(Off-camera) Now, I did promise you an iPad deal and here it is. eBay is having a very time specific sale, at 8:00 AM Pacific, 10% off of the iPad, the Wi-Fi version only. We've got the link to that at our website, [abcnews.com/gma](http://abcnews.com/gma). Robin.

ROBIN ROBERTS (ABC NEWS)

(Off-camera) And again, what time is that?

BECKY WORLEY (ABC NEWS)

(Off-camera) It starts at 8:00 AM Pacific, 10% off.

ROBIN ROBERTS (ABC NEWS)

(Off-camera) All right. Thank you there, Becky. And she said, we're gonna hook them up on our website and let them know. Thanks. Next, who will be the "GMA" advise guru? The top candidates will be revealed right after this. Express yourself.

COMMERCIAL BREAK

**LOAD-DATE:** November 30, 2010

**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
Cancellation No. 92054425**

**Declaration of Stephanie H. Bald**

**EXHIBIT 174**

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Ethnic NewsWatch  
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Philadelphia Tribune

December 17, 2010

**SECTION:** SHOPPER'S GUIDE; Pg. 4C Vol. 127 No. 9

**ACC-NO:** 49925

**LENGTH:** 924 words

**HEADLINE:** Tips for the value-minded electronics shopper

**BODY:**

**ABSTRACT**

If you have a credit card with rewards, you may be able to redeem them for gift cards or other must-have items. Notable is Discover card's redemption program, which actually allows customers to redeem their rewards - known as Cashback Bonus - for more than face value by selecting gift cards from hundreds of retailer partners. For instance, you could redeem \$20 in Discover's CashBack Bonus for a \$25 Sears gift card.

There's nothing more frustrating than making a purchase, especially a gift, and needing 'to repair or replace it within the first year. In fact, more than 20 percent of electronics fail within three to four years of purchase which is why buying a warranty can be a smart idea. However, not all warranties are created equal; doing a little research before signing the paperwork can make a big difference.

An extended warranty may make the most sense, but many offered at the point-of-sale can be expensive and give you little time to carefully consider what makes the most sense. Recently, Discover card recognized a need to provide cardmembers with an alternative. Using their Discover card, cardmembers can buy a SquareTrade warranty up to 90 days after making the purchase. And, the warranty company claims to maintain a price point that is up to 70 percent less than other warranties, making it a great deal, in a no-pressure situation.

**FULL TEXT**

In this tech-savvy age, electronics are on the top of most holiday wish lists. Last year, the Consumer Electronics Association reported that 80 percent of Americans intended to purchase technology as a holiday gift. With new products appearing daily - from smart phones to 3D televisions - this percentage will likely increase this season. Before swiping that credit card or clicking that mouse, consider these tips to get the most value when purchasing your gifts.

Online or in-store, always get the best price

Savvy shoppers know to do their window shopping online, using the power of the Internet to find the best values. By browsing online, you get an idea of current prices and deals at a variety of retailers without the hassle of driving from store to store. You can even get great deals and exclusive offers sent to you by signing up for retailer emails and becoming a fan of brands on Facebook.

If you decide to buy online, often you can find additional value by taking advantage of free shipping, instant discounts and complimentary gift wrapping. Check out websites like RetailMeNot.com for coupon and discount codes for

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hundreds of retailers. Also, you can save time and money by having gifts shipped directly to recipients, eliminating lengthy shipping lines.

However, if you prefer to touch and feel a product before you buy, consider this often overlooked fact about getting the best price: many brick-and-mortar retailers will price-match a deal you found online. For example, some electronics stores will match their own online prices, and some stores will price-match items from other retailers. Be sure to use your knowledge of prices from the Web to snag the best value.

#### Maximize rewards and incentives

If you have a credit card with rewards, you may be able to redeem them for gift cards or other must-have items. Notable is Discover card's redemption program, which actually allows customers to redeem their rewards - known as Cashback Bonus - for more than face value by selecting gift cards from hundreds of retailer partners. For instance, you could redeem \$20 in Discover's CashBack Bonus for a \$25 Sears gift card.

Some stores provide free gift cards for purchases that exceed a certain amount, which are to be used toward a future purchase after the holidays. These smaller value gift cards are great for stockingstuffers or as gifts for service providers like your mail carrier or hair stylist.

#### Accessories are essential

Most tech toys are ready to use straight from the box, but the right accessories can make all the difference. When you buy a tech item to give as a gift, accessories can ensure instant usability and enjoyment. They make great stocking stuffers and can make you the hero of the holidays. Here are a few popular suggestions:

- \* Mp3 player - downloadable music gift card; portable speakers; protective case.
- \* Digital camera - extra memory card; back-up battery; travel tripod.
- \* Laptop - wireless mouse; portable flash drive; carrying case.
- \* Gaming system - extra batteries; strategy guides; storage case.

#### Protect your purchase with a warranty

There's nothing more frustrating than making a purchase, especially a gift, and needing to repair or replace it within the first year. In fact, more than 20 percent of electronics fail within three to four years of purchase which is why buying a warranty can be a smart idea. However, not all warranties are created equal; doing a little research before signing the paperwork can make a big difference.

An extended warranty may make the most sense, but many offered at the point-of-sale can be expensive and give you little time to carefully consider what makes the most sense. Recently, Discover card recognized a need to provide cardmembers with an alternative. Using their Discover card, cardmembers can buy a SquareTrade warranty up to 90 days after making the purchase. And, the warranty company claims to maintain a price point that is up to 70 percent less than other warranties, making it a great deal, in a no-pressure situation.

Armed with this information, you should be well-prepared to navigate the aisles, find the best values and ensure years of enjoyment from your electronic gifts.

**LOAD-DATE:** January 23, 2011

**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
Cancellation No. 92054425**

**Declaration of Stephanie H. Bald**

**EXHIBIT 175**

Copyright 2011 Bennett Coleman & Co. Ltd.  
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The Economic Times

January 3, 2011 Monday

**SECTION: SOFTWARE**

**LENGTH:** 1276 words

**HEADLINE:** How add-ons can enhance Mozilla Firefox, Google Chrome

**BYLINE:** Aral Lobo

**BODY:**

Both Mozilla Firefox and Google Chrome come with a large number of features out of the box, but you can make them even better by adding extensions and personalising them to suit your needs. Extensions are add-ons that are developed to enhance browser functionality. They can be complex (like an entire application) as well as simple (like a toolbar or a button). Extensions can be used for things like notifications from sites you visit often, bonus information about a page, to do things with fewer clicks and even view images and tabs in a new way. Read on to see some of our tip picks.

For both Firefox & Chrome

IE Tab

Since some Web pages work only with Internet Explorer, the IE Tab extension allows you to run IE from within a tab in Chrome or Firefox so you can display them without leaving the browser. You can configure the extension to automatically switch to IE for URLs you specify. It's also very handy for sites like Outlook Webmail, which requires IE for full functionality.

Cooliris

Cooliris is a fast and cool way to browse photos and videos. Rather than clicking through pages and pages of images and waiting for each page to render, you scroll through a 3D wall to search for images and videos. This plugin works on a number of sites like Google, YouTube, Flickr, Picasa and Facebook. You can also search and window-shop stores of **online** retailers.

ForecastFox

The Forecastfox Weather extension adds an icon for current conditions and the temperature on your toolbar for weather at a glance. It pops out with an extended overview with just a click if you need more info. You can see the seven-day forecast, without even opening a tab.

Shareaholic

Though both the Chrome and Firefox extension library offer numerous options for integrating Web content with social networking sites like Facebook or Twitter, we found Shareaholic one of the best extensions for the purpose. It supports almost all the popular social networking site (Twitter, Facebook, Digg, LinkedIn) and also integrates with Gmail and Yahoo. You can share, save or e-mail the page you're visiting to Twitter, Facebook, Gmail, Google Reader and over 80 more. Videos, blogs and images can also be shared the same way.

Xmarks Bookmark Sync

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Xmarks is a popular bookmarking tool. It gives you a backup of your bookmarks and lets you sync them across browsers and across computers. Xmarks also lets you control which bookmarks are synced to which computers, so that you can keep private bookmarks at home while syncing everything else to a work computer.

#### LightShot

LightShot makes taking screenshots of any selected area in a browser tab easy. You just hit the LightShot icon on the toolbar or status bar (or press ALT+T), select the area you want to make a screenshot and click 'Save' or 'Upload to server'. If you upload, you instantly get link to the screenshot which can then be shared. It is also possible to resize and move the selection area right in the browser tab without opening any additional applications. The screenshots can also be edited (add text, draw lines and other such functions).

#### AutoPager

AutoPager is a browser extension that loads the next page of a website automatically. By default, it works with a large number of websites like Google, New York Times, Digg and many more. Custom autopaging can be added to unsupported websites using the site wizard. It is very useful when going through search results; auto loading of the next page really helps speed things up.

#### Flash Video Downloader

Flash Video Downloader helps you to download flash video (.flv) from YouTube, Google Video and other sites with similar embedded video files in one click. You can download videos in the mp4 (iPod), AVI and other media formats. The extension also allows download of Flash Games from sites like gamespot.com, gamesvine.com, zoopgames.com and flashgames247.com.

#### Exclusively for Firefox

#### AutoProxy

AutoProxy is an add-on which helps you use your proxy (http/socks) automatically & efficiently. With this, you no longer need to manually switch your proxy status between on & off. If you prefer to visit a website via proxy, just add the domain to AutoProxy's preference. After that, while surfing, the specified websites will be transferred through a proxy while others connect directly. You can also subscribe to rule lists maintained by people who have similar requirements as you. This saves you the work of creating all proxy rules by yourself.

#### FoxTab

FoxTab is a free 3D tab management add-on. With its six layouts, FoxTab enables grouping, filtering, closing and switching between tabs quickly and easily. It has the following features: Top Sites (a.k.a. Speed Dial) for quickly accessing your favorite web sites, Tab Flipper - to easily flip between opened tabs using the mouse or keyboard gestures and Recently Closed Tabs - for reopening a tab that was recently closed.

#### FastestFox

FastestFox is like a Swiss Army Knife for a virtual researcher. It allows you to save on-page video to your hard drive, even if there isn't a download link. If you highlight on-page text, FastestFox will offer a Wikipedia definition as well as links to multiple search engines for the selection. Clicking on the Wikipedia link will open all related Wikipedia articles into a handy left-column list.

#### Adblock Plus

Adblock is used to eliminate undesired elements and other annoying content like ads in pages. Adblock Plus is easily customisable and offers an entire subscription based automatic solution for the block list. Sometimes, Adblock Plus may omit necessary content and this is its only downside, but you can easily disable it temporarily if required.

#### Download Statusbar

With this extension, downloads can be conveniently managed in the Firefox statusbar rather than displaying a separate dialog that pops up everytime. You can instant notifications and can easily pause and resume downloads by double clicking on the icons.



Exclusively for Google Chrome

#### Gmail Checker

This extension embeds a little notification icon for your Gmail account in your toolstrip (the little bar at the bottom of the Chrome window). When you receive email, you will be alerted and a simple click will open a new Gmail window.

#### Google Talk From Your Browser

This little script allows you to add a GTalk icon to your launcher which, when run, opens up a window that simply requires your login and password to get you chatting.

#### Google Chrome Backup Extension

The Google Chrome BackUp add-on creates, backups, restores and manages Chrome profiles. All history, bookmarks and related stuff are maintained easily with this add-on. So in case there is a system crash or accidental deletion, you can easily restore or get back all the lost settings.

#### Facebook for Google Chrome

This unofficial extension lets you check your Facebook news feed, wall, inbox and notifications. Once logged in, it automatically displays new notifications or unread messages. The extension also uses Facebook Connect as a more reliable way to retrieve your information.

#### Docs PDF/PowerPoint Viewer

Much faster than using other plug-ins, Google's very own PDF reader extension pops up instantly when you navigate from a link that leads to an Acrobat or PowerPoint file rather than a standard web page. It does this by opening the file on the Google docs site. It may not have all the features of the software used to create the file, but it displays the files properly in most cases.

#### RemindMe

RemindMe lets you quickly scribble down reminders like 'pay bills' - and set automatic reminders to do the same tasks in the future. The icon also shows pending tasks, for when you stumble across some free time and want to clear your plate.

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**LOAD-DATE:** January 2, 2011

**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
Cancellation No. 92054425**

**Declaration of Stephanie H. Bald**

**EXHIBIT 176**

Copyright 2011 Christian Science Publishing Society  
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The Christian Science Monitor

January 7, 2011 Friday

**LENGTH:** 756 words

**HEADLINE:** Dynamic pricing: Internet retailers are treating us like foreign tourists in Egypt; More online merchants are launching 'dynamic pricing' schemes, which adjust prices based on perceived willingness to pay. But just as foreign tourists in Egypt grow tired of being overcharged based on looks, consumers may well object to being singled out based on their Web habits.

**BYLINE:** Justin D. Martin

**BODY:**

Fewer things frustrate tourists in Egypt more than skin-dependent pricing. Have Irish freckles? Expect to pay double in a Cairo taxi. An Italian tan? The price of that basalt model of the Sphinx just shot up 200 percent. Have glowing blue eyes? Some restaurants suddenly have no menus and prices are delivered orally. I've been overcharged by more merchants in this country than I can tally in Excel.

Overcharging people based on their features makes them mad. Indeed, there's some evidence that Egypt's relentless retail harassment costs the country big, as some beleaguered tourists are reluctant to return. Turkey, a country roughly the same size as Egypt but one that is a bit more forthright with sightseers, hosts nearly twice as many visitors as Egypt every year.

It's a lesson that online businesses would be wise to heed. In a bid to boost profits, more online merchants are launching "dynamic pricing" schemes (euphemistic for "pricing based on how much we think we can bleed you"), which adjust prices for online goods and services based on perceived willingness to pay.

Online coupons: Four ways you can save money online

"Online customers are more fickle than their brick and mortar brethren, more likely to window shop...and much less loyal to any particular store," said Brooke Gladstone on NPR's "On the Media." "Retailers have tried to level the playing field with some digital tricks, among them 'dynamic pricing'...changing the price of a good based on what they think a consumer is willing to pay."

Gazing at that BMW is going to cost you

If, for example, you've recently searched for and purchased first class airfare to Paris, completed online customization of a new BMW, and surfed for a new Bose Wave Radio, you could later get a somewhat pricier quote for a new sofa.

But if your cousin Ralph doesn't have the Tiffany & Co. search history on his browser that you have, he might get a fire-sale quote if he goes after the same sofa. Or if he considers splurging on the same Bose radio, the audio giant might offer him five percent off and free shipping.

Dynamic pricing has long existed online for a number of goods and services, such as airfare, credit cards, car rentals, and hotel rooms, Slate reporter Annie Lowrey said on NPR. "What we're looking at now," however, "is how dynamic pricing is influencing the sales numbers and purchase prices for goods that aren't time-sensitive and that there

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isn't any logical explanation for why one person should pay a set price for a DVD and another person should pay a different price."

Dynamic pricing, or peddling goods online through the eyes of a used Chevy salesman, may work for merchants if it encourages stingier customers to spend and squeezes more out of wealthy ones. But many customers - like tourists in Egypt - might not be so fond of it.

RELATED: Sexual harassment in Egypt: Why men blame women

And they'll know. In the past, were you and Ralph to go the same Chevy dealer at different times, he in sweat-pants and you in tailored conference-room digs, you'd probably get two different quotes for the same car. But the pettifogger's dishonesty might not be falsifiable; the dealer could claim that demand had changed in the time between your visit and Ralph's, or that the dealership had two of the same model and the one Ralph test-drove was more weathered.

Consumer backlash

Online, though, this shyster is laid bare. If Best Buy adopts a dynamic pricing scheme, you need only to e-mail Ralph the link to the iPod docking station you're searching for and ask him to run a test search. Or you could download a new browser to your computer and do a search from that unadulterated portal. An Egyptian merchant might insist to your face that a basalt mini-Sphinx cost \$150, but if he starts offering quotes online, the jig is up.

Online shoppers seem to have made peace with some forms of dynamic pricing. If AmericanExpress.com believes I'm broke and a flight risk, it's going to charge me more to borrow. Fine. But consumers don't like being pitched for manufactured goods based on what they look like, whether in person or based on cookie patterns. If there's one thing that web mobs unite against it is the sin of digital retailers. Just ask Dell and Comcast, two giants brought to their knees by a handful of noisy webizens to whom they gave the shaft. Mark my pixels: If many online retailers embrace dynamic pricing, their sales could go static.

Justin D. Martin is a journalism professor at The American University in Cairo. Follow him on Twitter or e-mail him.

**LOAD-DATE:** January 8, 2011

**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
Cancellation No. 92054425**

**Declaration of Stephanie H. Bald**

**EXHIBIT 177**

Copyright 2011 Apparel Online, distributed by Contify.com  
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Apparel Online

July 21, 2011

**LENGTH:** 1456 words

**HEADLINE:** FROM "E-COMMERCE" TO "M-COMMERCE";  
RETAIL BECOMING A SHOPPING EXPERIENCE!

**BODY:**

It is becoming increasingly difficult to attract the attention of consumers who are not only more careful what they want to buy, postrecession, but also spoilt for choice. Retailers have been compelled to seek out new avenues to grab eyeballs and one of the latest obsessions is IT-enabled options. This not only increases the visibility of their products, but also brings in an emerging segment of consumers, who are young, have money to spend and are 'mobile'.

Indeed, long gone are the days when shopping was only possible through traditional 'in store' commerce, retail industry today is driven by e-commerce, social media and technology. With the consumer spending more and more time online, e-commerce changed the way people shopped as deals are easily cashed with just a few clicks, bringing in more business for brands and more options for the customer. But with an unimaginable growth in technology the future is in allowing the consumer to purchase when and where he wants to, which includes m-commerce (mobile), f-commerce (facebook), s-commerce (social) and v-commerce (video-enabled, e.g. YouTube).

According to industry experts online sales are predicted to represent 8% of all retail sales in the US by 2014, up by 6% in 2009. Following the closure of the 2010 holiday season, retailers are hoping higher profits and another year of sales growth specifically from e-commerce. Moving away from e-shops came in picture 'f-commerce' with already several retailers creating small stores on facebook, turning the social networking site into a full-fledged channel in the world of retail. Improving further with the times, fusing online with IT, known as next generation e-commerce, 2011 is the year of m-commerce enabling the users to access the internet without needing to find a place to plug in.

Mobile commerce was born in 1997 and the first conference dedicated to it was held in London in July 2001. From 2001 to 2008, there has been a gap of almost a decade for this phenomenon to catch up to the apparel industry, but the sudden velocity with which it has shot forward into 2011, specifically in the apparel sector, is awe inspiring. Needless to say, it is the youth market that has brought in this new trend showing a positive growth with mobile sales getting doubled in the fourth quarter of 2010. Statistics show that 50% of smartphones owners such as the iPhone, Blackberry and Android, majority of who are above 15 and under 35 have now completed some sort of purchase on their mobile, increasing by 20% over just nine short months. The results clearly indicate the growing trend that smartphones are being used more and more as an essential lifestyle accessory, bringing the entire shopping experience, right into the palms of the consumers' hand - and fashion retailers have finally risen to meet these demands.

While the concept of shopping through your mobile phone is still relatively new, a recent report from Forrester Research predicts that the mobile commerce industry will take off in the next few years. Currently, only 2 per cent of online purchases are made through mobile devices, but as smartphones and other mobile tools become more prevalent, the industry is expected to grow 39 per cent per year for the next five years, jumping from \$ 6 billion in 2011 to \$ 31 billion by 2016. However, even with the growth, mobile commerce will only account for 7 per cent of total e-commerce sales by that point, the report predicts.

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"Mobile commerce will transform retail, both because the transparency of pricing will force big-box stores to be much better merchants or die because store associates armed with mobile devices can now do everything from save lost sales to carry a POS device in their hand," Sucharita Mulpuru, a Forrester Vice-President, Principal Analyst and one of the authors of the report, wrote in a company blog post. "And the most efficient retailers won't even have their store associates doing those things - they'll have their customers doing them themselves."

"Spending is higher on the web, but the mobile apps help brands reach the consumer wherever they are with their mobile device, and offer another engaging way to interact with the brands, strengthen brand loyalty and to offer a creative way for shoppers on the go to browse a brand at their own convenience via an iPhone, iPad or another connected device. This ultimately helps drive sales. While a consumer may spend a few minutes window shopping via a mobile app but may not make a purchase, that action helps convert more sales online and in-store." claims James Gardner, CEO and Co-founder of CREATETHE GROUP, an interactive agency whose clients include Burberry, Calvin Klein, DKNY, Neiman Marcus (NM) and others.

Most recently, L.L.Bean, a leading multi-channel merchant of quality outdoor gear and apparel for nearly 100 years, finally embraced mobile technology and launched its first m-commerce website and will soon launch a mobile commerce site for L.L.Bean's heritage brand, L.L.Bean Signature in liaison with mobile commerce technology provider Usablenet Inc. Bringing real hype to this concept, Polo Ralph Lauren, was the first luxury retailer to launch a mobile shopping site in 2008 using 2D bar codes. Special software needed to be downloaded into camera phones that scanned the codes and directed it to a phone friendly version of the Ralph Lauren website. Other labels like Zara, Gant, D&G, Donna Karan, Hugo Boss, Victoria's Secret, Abercrombie & Fitch, M&S, and multi-channels like eBay, and Net-a-Porter were some early innovators in this area, with only more and more brands to follow the trail.

Observing this sudden boom in demand, big online names are coming up with newer technologies with more applications and easier access comes the need to stock more, provide more choices and quick payment options. For instance, Google Wallet, using NFC Near Field Communication - a wireless technology that enables data transmission is the new talk of the town. It is a free mobile app that will turn your phone into a wireless credit card and stores virtual versions of your existing plastic cards on your phone, along with your coupons, and eventually, loyalty and gift cards. This Android app has tied up with Sprint's Nexus S4G, MasterCard credit cards issued by Citibank which will use MasterCard's Pay Pass method to process the payment. Macy's is partnering with Google Wallet to not only enhance the company's in-store shopping experience, but set itself apart from competitors in terms of easy payment. The company is launching Google Wallet payments in 5 cities namely New York, Washington, Chicago, San Francisco and Los Angeles which will cover 177 stores, the biggest consolidation of mobile retail at the moment. Other companies like American Eagle Outfitters, Guess, Bloomingdale's, RadioShack, The Container Store, Subway, Foot Locker and Walgreens, have also tied up with Google Wallet, making it the next big thing.

Not only mobile phones, but the I-pad too is not far behind. High-end retailers would look at providing a custom in-store experience for walk-in customers using these tablets. The usability of this tablet could be explored for the store associates/attendants for functionalities such as item search etc. Given the large screen of the tablets, it can prove to be extremely useful in providing a real life experience such as exhibiting products in various colours and viewing merchandise that is otherwise unavailable in stock. With the iPad gaining the status of the IT-handbag accessory, working on the concept of 'no more waiting in the line' - IT will take advantage of pay-on-the-spot by using the iPad tablet computer to manage checkouts in the near future. In a most recent example, Conde Nast's Glamour magazine has partnered with The Gap Inc., an American clothing and accessories retailer based in San Francisco, to produce a reality show for the iPad that features the retailer's new spring collection that readers can buy via the application. The 'Glamour Girls' reality show application, which is available as a free download, incorporates Gap's spring collection looks, that includes five primary brands namesake Gap banner, Banana Republic, Old Navy, Piperlime and Athleta.

Using mobiles applications apart from shopping, customers can also read the company's content, magazines and watch exclusive videos as well. The skyrocketing trend in Japan at present is the integration of websites with magazines, and television programs. Efforts are also being made to sell mobiles in the market within a year with

pre-installed bar code readers. This trend is currently spreading throughout Europe, and is expected by industry experts to make its way from Asia to the US soon.

**LOAD-DATE:** July 21, 2011

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**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
Cancellation No. 92054425**

**Declaration of Stephanie H. Bald**

**EXHIBIT 178**

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Wireless News

August 9, 2011 Tuesday

**LENGTH:** 330 words

**HEADLINE:** RadioShack Selects PointRoll

**BODY:**

PointRoll, a Gannett Company and a provider of digital marketing technology, is helping to power RadioShack's efforts to connect with consumers where they socialize online.

"Based on our proprietary research, we know most RadioShack shoppers search online and seek referrals from friends and family before visiting a store. So we're making it easier for them to learn more on their terms," said Lee Applbaum, executive vice president and chief marketing officer for RadioShack Corporation, in a release.

"Facebook is often a hub for these information-seeking conversations and provides a great forum for injecting relevant product details into these discussions. PointRoll gives us the ability to tie in local deals, dynamic content and location-specific experiences to make Facebook conversations around shopping for our products engaging and simple for consumers."

"As more shopping-related conversations, behaviors and purchase intents are fostered within social networks like Facebook, the powerful opportunity for retailer advertisers to engage is undeniable," said Rob Gatto, CEO, PointRoll.

"RadioShack's use of our enhanced Facebook browsing capabilities brings one of the most important shopping activities -- window shopping -- right where the most influential product research and conversations about consumer electronics take place."

With PointRoll's SmartSocial offering, a part of the ShopLocal SmartDelivery product suite, RadioShack has introduced its new Weekly Ad on the RadioShack Facebook page, incorporating browse-by-page and dynamic, user-initiated browse-by-item display functionalities that create a window-shopping experience for consumers on Facebook.

PointRoll's SmartSocial offering is part of the ShopLocal SmartDelivery product suite and helps advertisers create the personalized and social consumer shopping experiences.

PointRoll is a provider of digital marketing services and technology.

((Comments on this story may be sent to [newsdesk@closeupmedia.com](mailto:newsdesk@closeupmedia.com)))

**LOAD-DATE:** August 9, 2011

AMZN004200

**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
Cancellation No. 92054425**

**Declaration of Stephanie H. Bald**

**EXHIBIT 179**

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The Herald-Sun (Durham, N.C.)

November 25, 2011 Friday  
Final EDITION

**SECTION:** D; Pg. 7

**LENGTH:** 945 words

**HEADLINE:** Finding holiday spirit in brick-and-mortar stores

**BODY:**

NEW YORK - The crowds, congestion, heavy bags and "Jingle Bells" for the umpteenth time are all unavoidable parts of the holiday experience if you do your shopping in the old-school, brick-and-mortar way.

And they're part of the fun, too. I really don't know how I'd get into the season's full spirit otherwise.

I like my holiday season, and especially my shopping, to be hustling and bustling. I like finding unexpected treasures that will make the perfect gifts, swapping sale info with strangers, waiting in a long line for (worth-it) peppermint hot cocoa and generally juggling more things I can handle.

If I emerge from a store in seemingly sudden darkness after entering in broad daylight, so be it. I'm not even above holding bags with my teeth as I struggle to pull on my gloves to combat the inevitable chill. Maybe there'll be snowflakes, and I'll have to use those gloves to dust the windshield of my car.

A successful day would leave "Silver Bells" stuck in my head by the time I'm ready to head home.

Yes, I really am a fan of so many stereotypical trappings of holiday shopping. I'm not looking for a month full of easy answers or quiet nights. That's what January is for.

I'm not the only elf who feels that way.

"I thrive on the energy," says Joe Zee, Elle magazine's creative director. "I like shopping as an event. There's nothing wrong with online shopping '\xC4\xEE it's a time-saver, you can delegate, you can do it last-minute, but it lacks the emotional, human experience of holiday shopping."

Like Zee, I'm not a technophobe who shuns online shopping. I order jeans this way, once I know my size and brand; I bought my daughter's Uggs from Zappos and I'll probably order an e-reader tablet for someone near and dear this season.

But would I have bought silver mittens for a close friend last year if I hadn't felt firsthand that heavenly lining? Probably not. And my husband has thoroughly enjoyed a book about the Arctic that jumped out at me in the store but probably wouldn't have been in my online "recommended reading" based on previous purchases.

My mother-in-law wouldn't have that folk-art cat lamp in her hallway if I hadn't seen it in the right setting of a quaint New England village. It genuinely suits her, but I'm not sure I would have realized that from a laptop screen flashing "Free Shipping!"

Christa Marzan, 24, of Princeton, N.J., didn't plan to give her mother and sister jewelry last year as gifts. But a store's festive display enticed her. Marzan says she likes to do "online window shopping," but "I have a hard time deciding if I'm going to like it if I can't touch it."

Kaitlyn Pierce, who lives near Pittsfield, Mass., takes her time in stores, often on Black Friday, to browse. "Stores have the holiday displays, and it puts me in the mood to buy things for other people and not myself," said Pierce, 24, who adds that she has no problem buying her own shoes and other fashion accessories from favorite websites.

According to market research firm NPD, general traffic at brick-and-mortar retailers was down the first three weeks of November, but mostly due to lower sales at grocery and mass chains. Beauty specialty stores, electronic stores, factory outlets, sporting goods stores and toy stores "\xC4\xEE gift stores "\xC4\xEE reported an increase. Those same types of stores also showed a 12.8 percent rise in online buying visits, NPD said.

Palmer Trading Company, a boutique specializing in Americana, has been open for over a year in Manhattan's SoHo, but it doesn't have an online store yet. "It makes you come in to the store," says co-owner David Ramirez. "We do phone sales and have a blog to explain what we're all about, but I like that you have to come in and hear our stories about how we found our vendors, decorated the store."

Fashioned after a New England cabin oasis, Palmer will be all decked out for the holidays, hoping to transport customers for a few minutes to that ski vacation that might be on top of their wish list.

The shop plans to serve apple pie and warm cider brought back from Massachusetts by Ramirez after Thanksgiving there at his parents' home. It's part of Small Business Saturday, the neighborhood alternative to Black Friday that emphasizes experience over price.

Elle's Zee, also star of Sundance Channel's "All On the Line," a reality show about fashion businesses, says exciting visuals and fun are two gifts stores can give to shoppers.

"I don't see holiday shopping as a chore," he says. "I'm a gift person "\xC4\xEE I love giving gifts and I love personalizing gifts for everyone else. ... Online gifts never cross your hands. They go from cyberspace to the doorstep of the recipient. I think a gift needs that personal touch." Even when he orders online, he has items shipped to himself, not the recipient, so he can personally "put it in something other than the brown box."

Packaging is a big part of holiday shopping for me as well. I love the refinement of those heavy-stock bags upscale retailers give out. Walking by Tiffany & Co. this time of year, its signature blue bags stand out on busy Fifth Avenue, and you can imagine the happy recipient at the other end.

If a store wraps packages, I know their bows will come out better than mine. But then there'll be the one night when I lay out all the wrapping paper I've bought "\xC4\xEE goofy Santa dogs, sophisticated stripes and Hanukkah menorahs "\xC4\xEE and I'll go to work making my own curlicue ribbons and filling out gift tags.

It's a satisfying feeling when the stack is complete, and I can't wait to give them out. Holiday shopping is always a whirlwind, and I'll savor the downtime to come, but sign me up again next year.

**LOAD-DATE:** December 5, 2011

**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
Cancellation No. 92054425**

**Declaration of Stephanie H. Bald**

**EXHIBIT 180**

Copyright 2011 The Dallas Morning News  
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Distributed by McClatchy-Tribune Business News

November 28, 2011 Monday

**SECTION:** BUSINESS AND FINANCIAL NEWS

**ACC-NO:** 20111128-DA-HLT-Holiday-shoppers-in-a-spending-mood-early-Black-Friday-reads-indicate-1128-20111128

**LENGTH:** 856 words

**HEADLINE:** Holiday shoppers in a spending mood, early Black Friday reads indicate

**BYLINE:** Maria Halkias, The Dallas Morning News

**BODY:**

Nov. 28--Despite the sluggish economy, more Americans shopped in stores and online over the traditional kickoff weekend to the holiday season, according to initial reads released Sunday. And shoppers are expected to break records again Monday by spending more than \$1 billion online.

Americans spent more but visited fewer stores, which analysts attribute to more focused consumers, who not only did their homework but also had the tools to research in real time.

Midnight openings also led to fewer store visits per shopper. However, more men and young people -- two groups that would rather stay up late than get up early -- shopped this Black Friday.

Black Friday sales increased 6.6 percent from a year ago, and the number of shoppers rose 5.1 percent, representing the largest in-store gains since 2007, according to ShopperTrak, which measures traffic in shopping centers and malls.

Online sales soared 26 percent on the day after Thanksgiving from a year ago to \$816 million, making it the biggest online spending day to date this year, comScore Inc. said Sunday. On Thanksgiving Day, usually a lighter day for online shopping, sales over the Internet rose 18 percent from last year to \$479 million as retailers offered promotions early on their websites.

Last year, Cyber Monday -- the Monday after the Thanksgiving weekend -- was the heaviest day of online spending ever, with sales exceeding \$1 billion, according to comScore.

"We fully expect to see another record set this year," said comScore chairman Gian Fulgoni.

Sales are forecast to be up 12 percent.

A survey released Sunday by the National Retail Federation showed that stores and websites together received a record 226 million shopper visits over the weekend, up from 212 million last year.

The average holiday shopper spent \$398.62 this weekend, up from \$365.34 last year. Total spending reached an estimated \$52.4 billion, according to a survey conducted by BIGresearch for the retail industry group. (The survey, conducted Thursday through Saturday, has a margin of error of plus or minus 1.6 percent.)

"Efforts by retailers to reach consumers in multiple ways are really starting to pay off when you see almost 40 percent of dollars spent Thanksgiving weekend coming online," said Sherif Mityas, partner in the retail practice of A.T. Kearney. "That would have been unheard of a couple of years ago,"

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Shoppers spent an average of \$150.53 online -- 37.8 percent of their total weekend spending. That compares with \$121.67, or 33.3 percent, during the Thanksgiving weekend last year.

"With brick-and-mortar retail also reporting strong gains on Black Friday, it's clear that the heavy promotional activity had a positive impact on both channels," comScore's Fulgoni said.

#### Midnight special

This year, some of the largest U.S. chains -- Best Buy, Kohl's, Macy's, Target, Toys R Us and Wal-Mart -- were all open for Black Friday sales by midnight on Thanksgiving for the first time. That attracted more shoppers who preferred to stay up late on Thursday rather than getting up early on Friday to shop for door-busters.

Almost one in four shoppers on Black Friday (24.4 percent) said that at midnight, they were either in a store or waiting in line to get in, according to the Retail Federation survey. That is up from 9.5 percent in 2010 and 2.2 percent in 2009.

ShopperTrak said people visited fewer stores per shopping trip, averaging 3.1 this holiday season -- down from 3.2 last year.

"We know shoppers are doing a lot of virtual window-shopping first and deciding what stores to go to instead of wandering from store to store," said ShopperTrak founder Bill Martin.

ComScore said 50 million Americans visited online shopping sites on Black Friday, an increase of 35 percent from a year ago. Each of the top five retail sites achieved double-digit gains in visitors compared with last year, led by Amazon. Wal-Mart ranked second, followed by Best Buy, Target and Apple.

"Amazon.com once again led the pack, with 50 percent more visitors than any other retailer," Fulgoni said.

Even though Thanksgiving weekend numbers were strong, the National Retail Federation continues to forecast a 2.8 percent increase for the combined November-December holiday shopping season.

#### Forecasts holding

Spokeswoman Ellen Davis said the industry group would not re-evaluate its forecast until after the U.S. Commerce Department releases November retail sales on Dec. 13. On Thursday, major U.S. chain stores will report November sales.

In the past, strong Black Friday results have been followed by weak overall seasons, so analysts aren't ready to increase their forecasts just yet.

There's always a possibility of a drop-off in spending in the coming weeks, Martin said. "Retailers will need to work extra hard to convert knowledgeable browsers into buyers."

The slow economic recovery is weighing on the consumer, but the weekend's numbers so far show "the resiliency of the American consumer," Mityas said. "Maybe they needed a little shopping therapy ... to let loose a little."

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**LOAD-DATE:** November 28, 2011



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Cancellation No. 92054425**

**Declaration of Stephanie H. Bald**

**EXHIBIT 181**

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December 3, 2011 Saturday 3:51 AM EST

**LENGTH:** 1883 words

**HEADLINE:** Top 7 Mobile Commerce Trends in 2011

**BODY:**

It's no secret that mobile commerce has exploded this year. People are glued to their mobile devices, period. With a shift toward mobile and tablet commerce, we anticipate that these two types of devices will continue to play an increasingly important role in the marketplace. 2011 has been a good year for mobile and tablet, and we've identified seven key trends that will continue evolving as this space widens and expands. Let's get into it.

Oh, and if you want to check out our other top trends lists, take a peek at our founder Richard MacManus' top social web products, Jon Mitchell's top web-based consumer products, Dan Rowinski's top mobile products and John Paul Titlow's top five online music trends.

1. Just Gimme My Mobile Wallet, Man

There are a lot of deviations of a mobile wallet, and everyone does it differently. Essentially, the mobile wallet is exactly what it sounds like: A service that stores everything you would normally put in a physical wallet, including debit and credit cards, coupons and loyalty cards, in a mobile wallet. Not all wallets store data on the phone itself; SCVNGR's LevelUp and PayPal, for example, store data in the cloud. Your mobile wallet arrives empty, just like an wallet. You decide what goes in it.

Google's mobile wallet works off of an NFC chip called the Secure Element, which acts like a secure wallet and differentiates this product from being just an app. It's also separate from the phone's main operating system and hardware.

Google launched its Wallet program in late May. The official launch (yes, a beta) happened in September. Google chose MasterCard as its official partner in the realm of mobile payments using near-field communications (NFC). At the time of launch, Nexus S 4G on Sprint with Citibank and payment network MasterCard was the only phone compatible with Google Wallet.

The industry is preparing for Wallet, but the consumer side isn't quite there yet. In September, however, Visa also signed a licensing deal to include credit and debit cards in Google's Wallet program.

MasterCard's has begun its shift toward technology innovator thanks to its new partnership and investment with mFoundry. This solidifies MasterCard's commitment to the field of mobile payments.

PayPal has a slightly different vision for its mobile wallet. With a wallet in the cloud, consumers can select a payment instrument (credit card, debit card, bank account) and then use any Internet-connected device to enable that purchase. Really, PayPal wants to be technology agnostic, meaning that its mobile wallet should work on any device regardless of the operating system. In mid-November, PayPal unleashed its mobile wallet that features a card and a smartphone app that lets consumers store credit cards, gift cards, frequent flier miles and more.

Speaking of mobile wallets, whatever happened to Apple's iWallet? NFC never did come to the iPhone4S.

2. Where NFCs Will Go, Few Do Know

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NFC (near field communication) enables the exchange of data between devices (typically, mobile devices) that are in close proximity to each other. NFC devices are used for more than just payments, though - they can be the link between real world actions and consumer-facing or back office systems. While card issuers love NFC options, they would force payment processors to radically redesign. Are consumers ready to trade in the swipe of a credit card for the tap of an NFC-enabled device?

NFC may never be widely used as a form of payments, writes RWW mobile expert Dan Rowinski. While the technology around NFC is ready and being widely adapted within the industry, the actual infrastructure is not there yet. But the NFC hype is here.

Since Google's Beta Wallet launch in September, it has partnered with Mastercard, CitiBank, Sprint, FirstData, Verifone, VivoTech (NFC partner), Hypercom, Igenico and NXP (NFC partner). On the opposing end, NFC mobile payment solution ISIS is poised to attack Google's Wallet; it recently partnered with Verizon, T-Mobile and AT&T.

In 2012, there will be more NFC-enabled Android devices. For now, only the Samsung Nexus S and a few others have mobile wallet capabilities.

Lest we forget PayPal, it is important to note that it recently launched an Android app that allows for money transfer via NFC.

### 3. Carrier Billing Is Alive And Kicking

Carrier billing allows users to pay for apps on their mobile phone bill instead of using a credit card or a third-party mobile payments service to pay at the time of purchase. This payments system is moving right along.

In April, Spring joined T-Mobile and AT&T to support carrier billing in the Android Market. Mobile payments company BOKU went live for Android app developers in June. It began offering carrier billing on 230 operators in 56 countries worldwide. eBay purchased mobile payments company Zong in July, and integrated it into PayPal. Zong allows users to make mobile purchases through carrier billing. PaymentOne, another leader in carrier billing, lets users pay with their phone numbers, and validates transactions via text.

What's up next in our mobile commerce trends list? Next page: Offers, Tablet Commerce, Local Groundswell and the Dangle. Read on!

### 4. Offers, Offers and More Offers

With the daily deals craze dying down post-Groupon IPO, mobile offers are springing up. Google Offers, Google's response to Groupon's daily deals, continues to expand and personalize its deals. It recently stepped into the mobile commerce space with an Android app. Amazon entered the daily deals space with Amazon Local. Mobile commerce isn't a part of the story, but with Amazon's hefty investment in Living Social and an infrastructure far more mature than Groupon's, Amazon may be waiting for just the right moment before really making its move.

Meanwhile, daily deals superhero Groupon moved further into the location-based mobile commerce space through a partnership with Loopt. Soon after the Loopt announcement, Groupon launched Groupon Now, which inserts real-time, location-based offers into the daily deals game. Such offers are usually only available for a few hours, do not include the typical Groupon tipping point and are meant for impulsive mobile users.

### 5. Shop Till You Sit: Tablet Commerce

Tablets are all the rage this year. A recent study by eMarketer.com predicts that one in three online consumers will use a tablet at least once a month by the year 2014. Apple iPads are positioned to dominate the tablet market until 2015.

So what are people doing on their tablets? Shopping, naturally. And thus the boom of tablet commerce.

Amazon.com, the top revenue-producing Internet retailer, naturally leads the pack with a strong tablet-optimized site. Couch commerce, the act of sitting on one's couch and shopping from a smartphone and tablet, saw a strong increase this year - especially after Thanksgiving dinner and on Black Friday.

Amazon launched its Kindle Fire tablet on September 28. ReadWriteWeb Writer Jon Mitchell calls it a store with a screen, quite literally suggesting that its sole purpose is to be a media consumption device. As the Kindle Fire continues to gain consumer mindshare and more developers flock to the Amazon Appstore (don't call it the App Store, OK?), we expect more tablet commerce growth in this area.

Shopping catalogs designed specifically for tablets will add to the tablet commerce experience. Google launched a shopping catalog app for tablets back in August. Google Catalogs, as they're called, are like "window shopping with your iPad and Android tablet." The only potential problem for retailers? Now they won't have catalog readers' home addresses on hand.

#### 6. Location and Local Groundswell: Chicago to Des Moines to Boston and Back Again

The partnership between daily deals service Groupon and location check-in Foursquare was a big one. The two got together and made it happen. Or, as the Groupon blog says, "when we think of mobile addiction beyond Now! we think foursquare, and many of you guys do, too." The idea of positioning daily deals on Foursquare as an "addiction" doesn't exactly insure longevity; rather, it signals imminent burnout. But hey, we'll forgive Groupon's marketing team - with Groupon's stock prices slumping, the company is needs to keep looking for new ways to hit up consumers.

Dwolla, mobile payments system based in U.S. mobile payments capital Des Moines, Iowa, seeks to completely sidestep credit cards. Unlike its main competitor PayPal, Dwolla does not snag a percentage of the transaction; instead, it asks for a shiny silver quarter, regardless of the transaction amount.

LevelUp from Boston-based SCVNGR brings location-based gaming to the daily deals space. The idea is simple: Users will receive better deals the more they use the system. Much like the "unlocking" of Foursquare badges, LevelUp users will unlock new "levels" of awesome deals with particular merchants as they continue buying. Like its competitor Dwolla, SCVNGR recently began building local mobile payments into LevelUp.

#### 7. Don't Forget The Dongle

Dongles refer to a device that is connect to a computer to allow access to wireless or protected software. In the case of mobile commerce, a dongle would be a mobile credit card swiper that attaches to the mobile device. Square, Verisign and Intuit lead the way in dongle innovation. But with Google Wallet and NFCs (near field communications) on the move, do dongles have a future?

Square's Card Case digital wallet is a dongle. It lets you pay by saying your name and only your name - if the merchant you visit is in the Square directory. With its dongle reader, Square aims to make mobile payments mainstream. Intuit's recent mobile payments innovation introduce the dongle-to-debit-card. The company wants to make it easier for small- and medium-sized businesses to accept transactions on the go. While Square is the leader in the dongle world, Intuit offers QuickBooks, tax refunds, bank partnerships, health check-ins and other management systems. Dongle providers such as Verifone, Intuit, Erply, ROAMPay, TRUSTe and PayAnywhere will continue to push their products as the space evolves.

#### Conclusion

Mobile commerce is at a tipping point. It has not hit a critical, mainstream mass, however. First, the battle of NFCs vs. mobile wallets vs. dongles will need to settle, with one emerging and the others either following and finding their niches, or disappearing completely. Carrier billing will play a crucial role in how consumers start easing into the idea of mobile commerce. The daily deals space will become more focused on mobile, particularly in the areas of personalization and location-based targeting - people who use their phones are glued to them, naturally, and they must start receiving time-sensitive offers at exactly the right moment. Tablet commerce will continue to expand, as more people buy tablets and engage in "couch commerce." Catalogs, tablet-optimized websites and fast conversion rates make this the perfect platform for capturing consumers who already feel devoted to their tablets. In the dongle space, Square will continue to position themselves as the thought leaders, though they will face a fierce competition from Intuit.

What else should be on our list? Is there a mobile commerce trend we missed? Let us know in the comments.

Discuss

**LOAD-DATE:** December 02, 2011

**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
Cancellation No. 92054425**

**Declaration of Stephanie H. Bald**

**EXHIBIT 182**

Copyright 2011 The Tennessean  
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The Tennessean (Nashville, Tennessee)

December 25, 2011 Sunday

**SECTION:** BUSINESS

**LENGTH:** 1093 words

**HEADLINE:** Call it an online Christmas

**BYLINE:** By, Bobby Allyn | The Tennessean

**BODY:**

Kevin Taylor turns to online shopping for reasons that drive most consumers to the Web: convenience and low prices.

"There ain't no pushing, ain't no shoving. It's a whole lot easier," said Taylor, 35, of La Vergne, who has been regularly scanning daily deal sites and Amazon.com for holiday bargains.

By underscoring discounts, online retailers are riding the wave of the shop-online movement, made even more relevant by an uncertain economy, according to Sucharita Mulpuru of Forrester Research. And the online rush probably will continue after Christmas.

This holiday season, consumers have spent almost \$32 billion online, which is up 15 percent from last year, according to online retail tracker comScore. Forrester Research Inc. expects the final tally to reach \$59.5 billion online, up from about \$52 billion last Christmas.

"Online channels will be the bright spot for retailers this year," said Alison Paul with consulting firm Deloitte, which conducted a survey recently finding that online shopping no longer skews to the youngest consumers.

"Digital shopping transcends all age groups," the study noted.

Nearly half of the 5,019 consumers Deloitte surveyed were more likely to shop online this year, the study found.

Shopping over the November and December months can yield 25 percent to 40 percent of a retailer's yearly revenue in some cases. And with more Americans adopting tablets and smartphones, a greater percentage of this year's holiday transactions have taken place electronically.

Daily deal sites thrive

Daily-deal sites like Groupon and Living Social, relatively new players in the crowded world of e-commerce, have been trying to grab the attention of online shoppers with a bevy of "giftable" deals offered over email, trumpeting steep discounts on things like dinner for two and services at spas.

Still, daily deal sites will make up only a small chunk of the overall Web spend this year, according to Forrester's Mulpuru, who estimates that daily deal sites will capture just 1 percent of online holiday spending.

Nonetheless, about 29 percent of adults have used a daily deal site at some point - Walmart even announced its own in recent weeks.

In Forrester's recommendations to retailers this season, the research firm implored stores to have user-friendly mobile websites and mobile-only deals and to harness tablets by using them to highlight key sales and to search inventory.

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Some retailers are listening.

Sears, for instance, introduced in-store iPads to help shoppers check inventory and order out-of-stock items online, in addition to giving customers access to deeper product information.

Tech-savvy use laptops

With about three-quarters of Americans using mobile phones and about a quarter of them shopping on their phones, according to research firm eMarketer Inc., the pool of mobile consumers is getting deeper.

Certain tactics may cross the privacy line with some shoppers, however.

Retailers this year have unrolled "geo-fencing" promotions in which deals appear on consumers' mobile device screens as they shuffle through the aisles of their favorite stores.

Many of these programs must be signed up for, but others, including programs launched by Old Navy and Macy's, will automatically send consumers reward offers once an app is downloaded to a mobile device.

Even among the tech-savvy, however, shopping behaviors lean toward laptops above mobile devices, according to a recent survey by TechBargains.com.

"Mobile devices are currently much better for window shopping than for buying," TechBargain.com's Yung Trang said.

"Until mobile shopping is as easy as shopping on larger devices and security concerns are addressed, they will be more reluctant to fully embrace mobile buying."

Free shipping boosts interest

Some analysts have noted that free shipping is becoming the new norm.

Last year, comScore noted that 41 percent of online purchases came with free shipping.

But now, Nordstrom, Best Buy, Walmart and many other big retailers handling large sales volumes are no longer charging a cent for shipping costs.

In fact, more than 9 of 10 retailers surveyed by the National Retail Federation said they were offering free shipping this year.

"More shoppers this year are also interested in shopping online as a direct result of free shipping offers - 36.3 percent will spend more online this year if shipping comes free," according to the retail federation.

Retail analysts noted in reports that the growing number of distribution centers - and seasonal employees processing orders - has cut the time it takes for an order to land on a doorstep.

Furthermore, many of the free-shipping promotions were part of a strategy to undercut the much-feared Amazon.com, considered the leader in low prices.

"It's huge," said Liz Beavers, 46, of Nashville about the importance of free shipping.

"But it's not without its hiccups," she said, explaining that an item she recently purchased online with free shipping took three weeks to arrive. "If it's going to take that long, I'd rather just pay."

Sales forecasts often inflated

Some estimates report that holiday sales thus far this season, both online and in person, are up 16 percent from last year. They expect spending through Christmas to exceed year-ago totals.

But economics expert Barry Ritholtz says that holiday sales forecasts based on consumer surveys are often grossly exaggerated to spur consumer spending.

By the time the actual sales data come in, most consumers have forgotten the inflated projections.



"We are an unreliable bunch," he said by email. "If you want to learn how much people actually spent, you need to measure that at the cash register."

Nevertheless, Ritholtz said holiday sales this year will show modest gains over last year.

But double-digit growth? Ritholtz says that isn't likely.

Reach Bobby Allyn at [ballyn@tennessean.com](mailto:ballyn@tennessean.com) or 615-726-5990.

Tracking sales in the billions

**Online sales are up 15 percent so far this holiday season over Christmas 2010 totals. Here's a look at statistics from the last few years:**

**2003: \$18.1 billion**

**2004: \$22.1 billion**

**2005: \$27.2 billion**

**2006: \$32.9 billion**

**2007: \$39.3 billion**

**2008: \$41.4 billion**

**2009: \$44.7 billion**

**2010: \$51.7 billion**

**2011: \$59.5 billion (forecast)**

**Source: Forrester Research Inc.**

**Key trends**

**Price savvy:**

**58 percent of U.S. online adults say they're more price-conscious today than a year ago.**

**Free shipping wins: 59 percent of consumers surveyed shop online more often with retailers that have free shipping.**

**Key dates bigger: Thanksgiving, Cyber Monday and Black Friday are the top online sales dates.**

**Source: Forrester Research Inc.**

**LOAD-DATE:** December 26, 2011

**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
Cancellation No. 92054425**

**Declaration of Stephanie H. Bald**

**EXHIBIT 183**

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February 18, 2012 Saturday 3:05 PM EST

**LENGTH:** 580 words

**HEADLINE:** Pinterest's Business Model Is All About Exclusivity

**BODY:**

This post originally appeared at American Express Open Forum.

The Pinterest-craze is growing.

The newest hot commodity in the tech world is now the fastest-growing referral site with 260 million unique visitors monthly, according to a recent study. It currently drives more referral traffic than YouTube, Reddit, Google+ and LinkedIn.

Referrals increased from 2.5 percent in December to 3.6 percent in January, according to the content-sharing company Shareaholic.

How Pinterest will generate revenue in the future is unclear. After \$37.5 million in total funding, perhaps even Pinterest isn't sure about its revenue-generating path. But it is creating a sense of exclusivity.

The gathering site is currently invite-only, yet its growth has surged through the online world. Exclusivity has proved successful for high-end stores, restaurants and anticipated nightclub openings in the brick-and-mortar world.

Eventually, the company can generate revenue in many ways. It can advertise, as long as it strategically does so in a way that wouldn't affect the user's experience. It could go the e-commerce route, where it would make money from each transaction that comes from the site. Revenue-generating ideas are virtually endless.

But it actually makes sense that Pinterest doesn't have a business plan at this point. The company needed to first learn about its users, what their interests are, what they like to "pin," what sites they're visiting, what they're uploading and sharing. And this is how the company will eventually make money.

"We become so obsessed that we fail to fully realize that our self-expression is subsequently being catalogued, repackaged and sold to the highest bidder-if a company has reached that stage in its growth," writes Alexia Tsotsis at TechCrunch. "For a chance at reaching the top of that pyramid, hell, maybe it's worth it."

The majority of Pinterest's users are 24- to 44-year-old females from the Midwest, according to ComScore. In fact, Midwesterners are 102 percent more likely to visit the site than the average U.S. Internet user.

"To get to the bottom of what motivates Pinterest's throngs of users, you first have to realize who those users are," writes Brad McCart. "I challenge you to go to Twitter, search for Pinterest and see who's using it. No, not who's writing about it, but who's actually using it. The vast majority? Female.

"At the risk of sounding sexist, we have to examine the traditional habits of females versus males. To that end, women tend to like to shop more than men do. You could easily define Pinterest as a way for people to 'window shop' for anything that interests them, whether that's a physical object or something as intangible as quotes.

"They can then show off their 'purchases' (pins) to their friends, and even re-pin and create discussions around what they've found."

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When Pinterest launched in March 2010, little was known about it and now people are using it to plan weddings and bridal showers and redecorate their entire homes all based on a "pinning" obsession.

Whatever its business model is or isn't, it's working.

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See Also:

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Subway Used To Become The Largest Restaurant Chain In The World  
Portlandia's Kyle MacLachlan On Why He Went  
Into The Wine Business

**LOAD-DATE:** February 18, 2012

**Amazon Technologies, Inc. v. Geoffrey R. Daigle  
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**Declaration of Stephanie H. Bald**

**EXHIBIT 184**

Copyright 2012 The Seattle Times Company  
The Seattle Times

March 17, 2012 Saturday  
Fourth Edition

**SECTION:** ROP ZONE; Business; Pg. A6

**LENGTH:** 1090 words

**HEADLINE:** Online pinboard draws a crowd;  
PersonalTechnology

**BYLINE:** Julie Weed, Special to The Seattle Times

**BODY:**

A tiny Palo Alto, Calif., company has created the latest Internet craze.

It's called Pinterest, a website where users collect and share images, organizing them into categories such as food, fashion, craft ideas and wedding plans. Photos range from gorgeous travel vistas to quirky panda-face sushi shots to fascinating infographics. Hunky actors, high fashion, inspirational sayings and cute baby animals also have found their way to Pinterest.

Using the site is a bit like scrapbooking online and, according to the Internet tracking firm comScore, nearly 70 percent of its users are women.

Membership on the website currently is by invitation only and requires a Twitter or Facebook profile to create an account. Users can request an invitation from the site, or join through a current user's invitation.

Once on the website, Pinterest members will find waiting for them some empty pre-named pinboards, such as Favorite Places & Spaces and My Style. It's easy to browse others' Pinboards by entering a word into the search box, such as "Spring Dresses."

From there, members can scroll through images and repin ones they like to their own boards by hovering over the image with the mouse and clicking on the repin button.

Members can also grab images from the Web. A Pin It button can be installed on their Web browser's bookmarks bar, so when they see an image they like on the Web, they can click on the button to add the image to their board.

The source information automatically attaches to the image so viewers can track down a product they want, or follow a blog they've just been introduced to.

Some members use the pinboards to collect ideas for a project such as a wedding or remodel.

A bride can pin images of different bridesmaids' dresses or bouquet designs and solicit feedback. Interior decorators can collect ideas for a client to review. Home gardeners can mull over planting ideas and gluten-free chefs can gather recipes.

Indeed, much of Pinterest seems aspirational. The boards focus on "what I'm going to cook," "where I want to go" or "how I want to decorate" a contrast to Twitter and Facebook's focus on what the user is thinking, feeling or doing at the moment.

Some pinners use the boards for encouragement to excel at sports or stick to a diet. Many just collect beautiful images or funny sayings.

Marianne Allison, of Portland, who has pinned more than 1,000 images and curates a board of owl images, says Pinterest falls somewhere between window shopping and actual collecting, with benefits over both.

"I don't want an actual collection of owls and owl pics! ... But it's fun to post," she said.

Having the collection on a board she can revisit is more satisfying than just seeing it in a shop window.

Allison likens Pinterest to virtual hoarding because users can collect and save as many things as they want but don't need space to store them.

Members can create and curate multiple pinboards in any category and follow others' pinboards. They can also add a comment to any pinned image.

In contrast to Facebook posters, Pinterest pinners may end up choosing to follow people they don't know purely based on the photos they curate.

So far, Pinterest has attracted nearly 18 million members, according to the research firm comScore. All pinboards are public now, but the company is considering implementing private boards at a later date.

Retailers are catching Pinterest fever as well. Little One Books, a Seattle-based online store that sells books, music, videos and art prints for children, uses Pinterest to group and visually display items for potential buyers.

"At first we just thought we would just put our products on it," said Joan McCoy, president of Little One Books, "but every day we seem to find a new angle and creative ways to display information for our age group [birth to 5 years old]," including craft ideas and mommy blogs.

Pinterest hasn't decided the best way to make money.

Right now the company says it is concentrating on adding users to its free site and is exploring different revenue opportunities, such as selling advertising space or charging retailers when users click on links to purchase items.

Any photo can have a price attached to the top corner and will then appear in the Gift section of the website.

Pinterest is available on smartphones, and users can also choose to display pinned images in their Facebook Timeline. Bloggers, craftspeople and others can add a customizable "Pin It" button to their own website to allow visitors to pin a specific image to their pinboards.

The company wants Pinterest to be a positive place and does not allow pornography or hateful content, but there are a number of racy and nearly nude photos on the site. Users can report an offensive pin by clicking on the small report button on the right of the image and Pinterest will review and remove if necessary.

Pinterest also instructs members not to use images that violate copyright laws, but many do use images they don't have official rights to.

While some image owners enjoy the publicity they get from the display of their photos and products, others do not.

Professional photographers and other image owners who want the website to remove something they believe violates their copyright, can fill out [<LINK-NAME>a form<BEGIN-LINK>http://pinterest.com/about/copyright/<END-LINK><END-LINK-NAME>](http://pinterest.com/about/copyright/) on the Pinterest site.

For those who don't want anything pinned from their website, Pinterest offers a bit of code that doesn't allow pinning.

Although it is partnered with Facebook, pinning may become that website's next great rival for people's time.

Jeannine Chanin-Penn, of Los Angeles, started using Pinterest to gather ideas for her work as an event planner, and says she's discovered new blogs and websites that have become favorites. Pinterest has also become a creative outlet of self-expression.

"I can fall very long and hard in the Pinterest rabbit hole when I really get going!" she said.

Julie Weed is a free-lance writer in Seattle.

#### How to get started

1. Request an "invite" on the Pinterest home page (<url>pininterest.com</url>) or ask a current member to invite you.
2. When you receive the invitation, register via Facebook Connect or connect through Twitter.
3. Once on the site, browse through pinboards and repin the images you like to your own pinboards.
4. Add new pinboards by clicking on the Add menu on the top right of the screen and then choosing "Create a Board".
5. Enable pinning from the Web by clicking on the Add menu and then clicking on the words "Pin It' button" and following the instructions.

**GRAPHIC:** photo; Karen Bleier / AFP / Getty Images: The Pinterest site has become the Web's hottest young website, particularly among women, by giving people virtual bulletin boards that they decorate with pictures showcasing interests. (0420531654)

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