

Filed

Rachel R. Davidson (State Bar No. 215517)
KIRKPATRICK & LOCKHART PRESTON
GATES ELLIS LLP
55 Second Street, Suite 1700
San Francisco, California 94105-3493
Telephone: (415) 882-8200
Facsimile: (415) 882-8220

Attorneys for Plaintiff
Alexa Internet

ORIGINAL
FILED

MAR 26 2007

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RS

C 07 1715

ALEXA INTERNET, a California
corporation,

Case No.

COMPLAINT FOR INJUNCTIVE
RELIEF AND DAMAGES

Plaintiff,

v.

RON HORNBAKER, a California resident,

Defendant.

Plaintiff ALEXA INTERNET ("Alexa") brings this action against Defendant RON HORNBAKER ("Defendant" or "Mr. Hornbaker") and alleges as follows:

I. INTRODUCTION

Since its founding in 1996, Alexa has built a successful business from its unique vision of intelligent Web navigation that is constantly improving through information learned from the participation of its users. Along the way, Alexa has developed an installed base of millions of toolbars, one of the largest Web crawls, and an infrastructure to process, store, and serve massive amounts of data. For users of Alexa's toolbar and website, Alexa's innovations have revolutionized Web navigation and intelligence. For developers, they have led to the creation of powerful online web service tools that allow individual developers to tap into

1 Alexa’s data and infrastructure platform directly, for a fee, with which they can in turn
2 develop entirely new search engines and information services.

3 Last year, Defendant Hornbaker started a website called “Alexaholic” with
4 www.alexaholic.com as its Web address or “domain name.” Not only did Alexaholic
5 improperly trade off Alexa’s well known brand name, but it also displayed various web traffic
6 graphs that were misappropriated directly from Alexa’s website. Over the last several
7 months, Alexa has tried to resolve its dispute with Mr. Hornbaker amicably. Unfortunately,
8 Mr. Hornbaker has refused to stop trading off the Alexa name. And he has deliberately
9 circumvented every attempt by Alexa to block him from stealing its traffic graphs. Indeed,
10 Mr. Hornbaker admits to engaging in a “game of cat-and-mouse” as Alexa has attempted to
11 protect its trademarks and proprietary data. Through this lawsuit, Alexa seeks to force Mr.
12 Hornbaker to stop infringing Alexa’s trademarks and to stop pirating Alexa proprietary data.

13 **II. JURISDICTION AND VENUE**

14 1. This is a complaint for an injunction, damages, and other appropriate relief to
15 stop Mr. Hornbaker from:

- 16 a) using Alexa’s name and trademarks, without permission and in bad faith, to
- 17 profit from the website linked to the Internet domain name <alexaholic.com>;
- 18 and
- 19 b) stealing Alexa’s proprietary data by disregarding the rules for Alexa’s Web
- 20 Services—through which Alexa makes certain proprietary data available in
- 21 exchange for a fee—and instead simply taking the data and graphs he wants
- 22 without permission.

23 2. Alexa alleges violations of the Anticybersquatting Consumer Protection Act,
24 15 U.S.C. § 1125(d); of Sections 32 and 43 of the Lanham Act, 15 U.S.C. § 1114(1) and 15
25 U.S.C. §1125(a), and of California Bus. & Prof. Code § 17200. Alexa also alleges breach of
26 contract, unjust enrichment, and unfair competition.

1 pages, access to Encyclopaedia Britannica content, and an instant messaging feature.

2 11. By 1998, the Alexa toolbar had been downloaded over 1,000,000 times, a
3 number that grew to 3,000,000 just two years later. Since then—and long before Defendant
4 registered the <alexaholic.com> domain name in February 2006—Alexa’s installed base of
5 literally millions of Alexa toolbars has revolutionized Web navigation and intelligence. Alexa
6 has continued to improve the functionality and sophistication of its toolbars as new versions
7 are released.

8 12. In addition to its toolbars, Alexa offers products and services that build upon
9 its processes for collecting and analyzing data. For example, in November 2005, Alexa
10 released Alexa Web Information Service on the Amazon.com Web Services platform. That
11 service allows developers to pay a fee for access to Alexa’s proprietary data about the Web,
12 including details about Internet traffic, related links, and more. That service is described at
13 <<http://www.amazon.com/gp/browse.html?node=12782661>>.

14 13. Later that year, Alexa launched its Alexa Web Search Platform. Through the
15 Alexa Web Search Platform service, developers can pay a fee to obtain unfettered access to
16 Alexa’s vast repository of Web content to build a new breed of innovative and useful Web
17 applications. That service is described at <<https://websearch.alexa.com/welcome.html>>.

18 14. Apart from its web services, Alexa offers a variety of features that can be
19 accessed by users online at its website, www.alexa.com. For example, Alexa’s search and
20 browse features provide a web search engine with enhanced data about websites that users
21 may be looking for, including thumbnail images of website home pages and rich information
22 about each searched-for website, such as its traffic ranking, speed of access, and how long it
23 has been online. This information provided by Alexa helps users make quicker and better
24 decisions about which search results are most likely to be useful. Alexa also has built an
25 unparalleled database of information about websites, including:

26 ///

- 1 • Statistics about traffic on websites, including traffic graphs;
- 2 • Related links, which show users other websites that are related to the website
- 3 being viewed by the user at the time;
- 4 • Information regarding websites that have seen a dramatic increase in traffic
- 5 (*i.e.*, “Movers & Shakers”);
- 6 • Information regarding popular search terms (“Hot Searches”), and popular
- 7 websites (“Top Sites”).

8 15. Alexa’s other innovations include The Wayback Machine, which was built by
 9 Alexa for the Internet Archive and which was named the site of the year by Yahoo Internet
 10 Life magazine in 2001. The Wayback Machine is an archive of billions of Web pages from
 11 1996 to present, which allows a user to look at what a particular website looked like at a
 12 specific point in history. See <<http://www.alex.com/site/company/history>>; see also
 13 <http://www.archive.org/about/faqs.php#8> (“How was the Wayback Machine made?”).

14 16. Alexa has several trademarks, many of which are identified in its Terms of
 15 Use. Those trademarks include (but are not limited to) the registered trademark ALEXA and
 16 the “a” logo. Alexa’s terms of use governing its website specifically prohibit the use of
 17 Alexa’s trademarks or logos “in connection with any product or service that is not Alexa’s”
 18 and prohibit the use of Alexa’s trademarks “in a manner that is likely to cause confusion
 19 among users.”

20 17. The Alexa trademarks are broadly recognized as a brand identifier for Alexa’s
 21 products and services. Also, Alexa’s inherently distinctive ALEXA trademark is the subject
 22 of two United States trademark registrations, which are summarized in the table below:

23 ///

Mark	Registration No. and Exemplary Dates	Goods/Services Promoted
ALEXA	2,181,470 FILED: February 1997 FIRST USE AND FIRST USE IN COMMERCE: July 1997 ISSUED: August 1998	Providing a wide range of information via global computer networks.
ALEXA	2,189,928 FILED: February 1997 FIRST USE AND FIRST USE IN COMMERCE: July 1997. ISSUED: September 1998	Computer software for viewing information on global computer networks

18. Copies of these U.S. registrations are attached as **Exhibit A** to this Complaint.

19. Alexa's distinctive "a" logo, which is reproduced below, is also widely recognized as a brand identifier for Alexa's products and services:



The "a" logo has been used in commerce since at least June 1, 1997. A screen capture of the <alex.com> website, which includes the "a" logo, is attached as **Exhibit B** to this Complaint.

20. The Alexa trademarks are used in interstate commerce in connection with the sale, offering for sale, distribution, and advertising of Alexa's products and services. The Alexa trademarks are distinctive and were distinctive at the time of all acts alleged herein. As a result of Alexa's substantial investment, the Alexa trademarks have developed extensive goodwill in the market. Accordingly, the Alexa trademarks are extremely valuable to Alexa.

///

1 21. Alexa has registered Internet domain names that correspond to Alexa's
2 trademarks. For example, Alexa's primary website is at <alex.com>.

3 22. Each of Alexa's domain names, as well as others registered to Alexa, resolve
4 to an Alexa-created website that provides Alexa's customers with information related to
5 Alexa's products and services. These websites generate business for Alexa and allow Alexa
6 to maintain relationships with its customers.

7 **V. DEFENDANT'S UNLAWFUL ACTIONS**

8 **A. Defendant's Use of the Alexaholic Domain Name**

9 23. More than eight years after the registrations issued for the Alexa trademarks,
10 and almost ten years after Alexa registered the <alex.com> Internet domain name, Defendant
11 registered the domain name <alexaholic.com> ("the Infringing Domain Name"). Defendant
12 recently changed the name of his website to <statsaholic.com>, but he continues to infringe
13 the ALEXA trademark by using the domain name <alexaholic.com>. Specifically, as of the
14 filing of this complaint, Defendant appears simply to redirect all visitors to <alexaholic.com>
15 to his new website <statsaholic.com>

16 24. The Infringing Domain Name is identical or confusingly similar to the ALEXA
17 trademark. The Infringing Domain Name does not resolve to a website owned or endorsed by
18 Alexa. Rather, the Infringing Domain Name resolves to a website that is controlled by
19 Defendant.

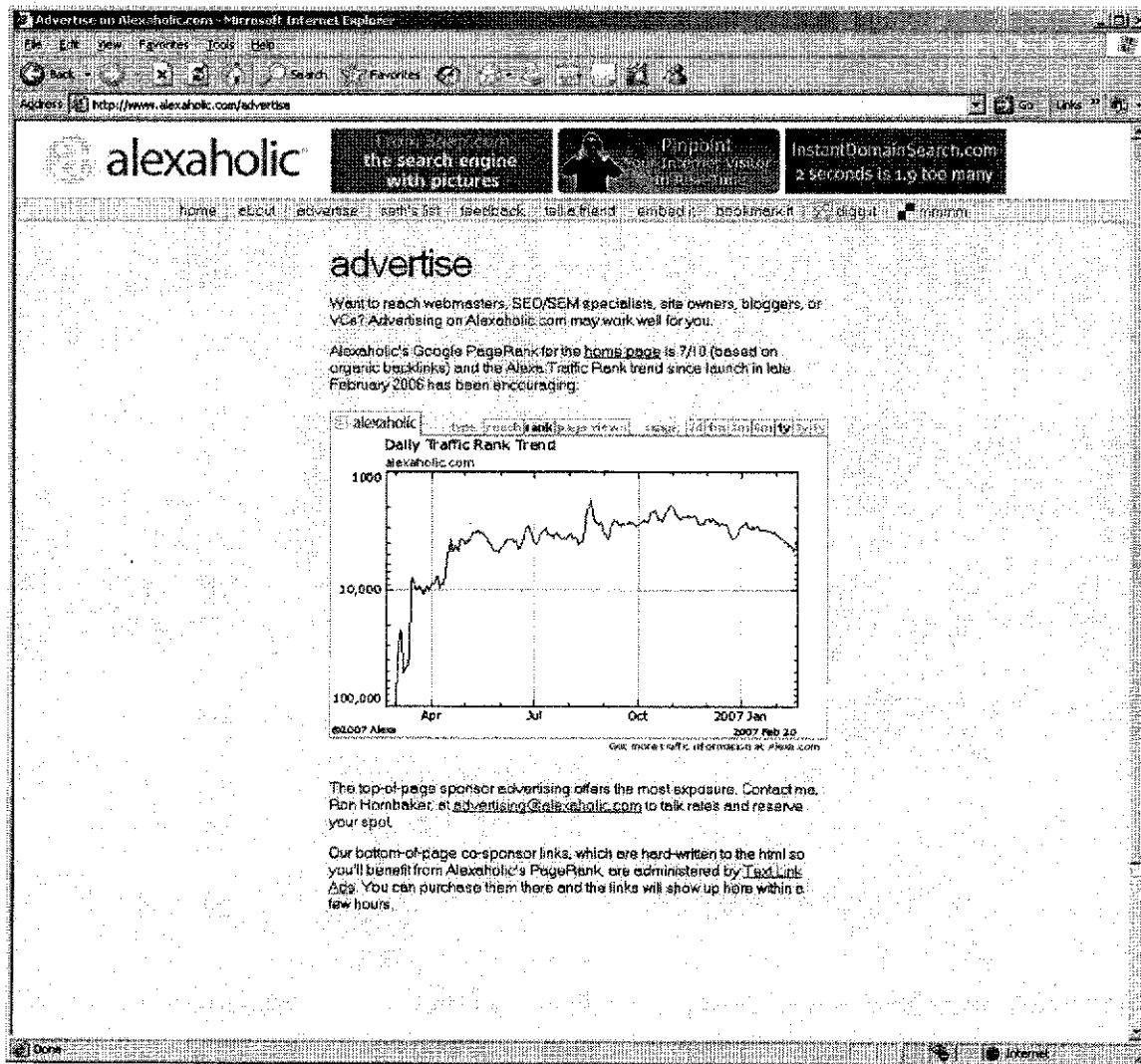
20 25. Defendant further attempts to attract users searching for Alexa's website by
21 including the ALEXA trademark in the meta keywords tag of his website. Upon information
22 and belief, Defendant engages in this practice to increase the chance that someone using a
23 search engine to search for Alexa's services or websites will visit his website.

24 26. Other portions of Defendant's website falsely suggest that Alexa is the source
25 of, or endorses, the website. For example, Defendant's website says that "traffic graphs are
26

1 generously provided by Alexa.com.” In fact, however, Alexa does not endorse Defendant’s
 2 website and actively has sought to prevent Defendant from stealing Alexa’s content.

3 27. Defendant profits from his use of Alexa’s trademarks and misappropriation of
 4 Alexa’s content. For example, his website contains advertisements for third parties’ products
 5 and services. Alexa is informed and believes that when a person visits the Defendant’s
 6 website and/or clicks on one of the advertisements contained on the site, the Defendant
 7 receives payments.

8 28. In fact, as the screen capture below shows, Defendant specifically solicits
 9 additional advertisements for the website linked to <alexaholic.com>:



1 (<http://www.alexaholic.com/advertise>).

2 29. Upon information and belief, Defendant receives a payment when Internet
3 users click on one or more links or advertisements on the websites of the Infringing Domain
4 Name, and the payments to Defendant may total approximately \$50,000 per year. Alexa is
5 informed and believes that Defendant receives these payments from one or more advertisers,
6 affiliate programs, or search engines.

7 30. Defendant is not affiliated with or sponsored by Alexa and has not been
8 authorized by Alexa to use the Alexa trademarks. Defendant is not authorized by Alexa to
9 use or register any name or mark that includes the Alexa trademarks. Upon information and
10 belief, Defendant's registration and use of the Infringing Domain Name is designed to
11 capitalize on the goodwill associated with the Alexa trademarks.

12 31. Alexa attempted to halt Defendant's illegal actions by using the Uniform
13 Dispute Resolution Procedure ("UDRP"). A copy of the UDRP Complaint filed by Alexa on
14 February 28, 2007 is attached as **Exhibit C** to this Complaint. In response to the UDRP
15 action, Defendant has changed his practices somewhat, but he has refused to halt his use of
16 the Internet domain name <alexaholic.com>. Specifically, Defendant now redirects traffic
17 from the Internet domain name <alexaholic.com> to <statsaholic.com>.

18 **B. Defendant's Other Misuse of Alexa's Trademarks**

19 32. Upon information and belief, Defendant has further confused visitors to his
20 website about his relationship to Alexa by adopting a logo that is confusingly similar to, and
21 infringes upon, the Alexa "a" logo. Below is a comparison of the "a" logo with the logo that
22 Defendant has used.

23 ///
24
25
26

1
2 *Alexa's genuine logo:*



6 *Defendant's infringing logo:*



10 33. A screen shot of Defendant's website as of February 21, 2007, which includes
11 Defendant's infringing logo, is attached as **Exhibit D** to this complaint. Alexa is informed
12 and believes that Defendant has since altered the content of his website to remove the
13 infringing "alexaholic" logo.

14 **C. Defendant's Misuse and Misappropriation of Alexa's Proprietary Data**

15 34. As explained above, Alexa makes its proprietary data available to developers
16 through a number of specific services, known as "Alexa Web Services." Each web service
17 has a detailed set of conditions of use as well as a pricing structure that govern the use of
18 Alexa's proprietary data.

19 35. For the Alexa graphs and data that Defendant displays on his website,
20 however, Defendant has chosen not to use Alexa's web services, instead misappropriating
21 Alexa's proprietary data by, among other things, stealing Alexa's data and graphs. Defendant
22 has embedded into the code that tells the user's browser what to display, links to Alexa traffic
23 graphs. So, for example, if a user looks at a traffic graph for www.yahoo.com on Defendant's
24 website, the user's browser is really pulling that graph from www.alexacom. If the user were
25 to look at the code behind the traffic graph, he would see the following:
26

1 <http://traffic.alexa.com/graph?w=700&h=340&r=5y&y=r&a=1&z=50&u=yahoo.com>.

2 36. Defendant also encourages and facilitates further misappropriation of Alexa's
3 proprietary data and further infringement of the Alexa trademarks. For example, via a
4 "widget" that Defendant promotes on his website, Defendant instructs third parties how to use
5 his services to join him in stealing proprietary data from Alexa. When he improperly
6 distributes Alexa's proprietary data and services to third parties, Defendant insists that the
7 third parties credit him rather than Alexa.

8 37. Alexa has taken technological steps to halt Defendant's misuse of its
9 proprietary data and his unauthorized access of Alexa's website content, but Defendant
10 deliberately has devised new methods to thwart Alexa's efforts to protect its data and servers.
11 In fact, in an e-mail message to the National Arbitration Forum, Mr. Hornbaker characterized
12 his attempts to circumvent Alexa's efforts to protect its data as a "game of cat-and-mouse" as
13 Alexa attempts to protect its trademarks and proprietary data.

14 **FIRST CLAIM FOR RELIEF**

15 **Cybersquatting under the Anticybersquatting Consumer Protection Act – 15 U.S.C. §**
16 **1125(d)**

17 38. Alexa realleges and incorporates by this reference each and every allegation set
18 forth in paragraphs 1 through 37 above.

19 39. The Alexa trademarks were distinctive at the time Defendant registered the
20 Infringing Domain Name and remain distinctive today.

21 40. The Infringing Domain Name was identical or confusingly similar to the
22 Alexa's trademarks at the time Defendant registered the Infringing Domain Name, and
23 remains so today.

24 41. Defendant has registered and used the Infringing Domain Name with bad faith
25 intent to profit from the Alexa trademarks.

1 42. Defendant's registration and use of the Infringing Domain Name has caused
2 and will continue to cause damage to Alexa, in an amount to be proved at trial, and is causing
3 irreparable harm to Alexa, for which there is no adequate remedy at law.

4 43. Alexa is entitled to statutory damages of up to \$100,000, treble damages and
5 the transfer of the Infringing Domain Name to Alexa.

6 **SECOND CLAIM FOR RELIEF**

7 **Trademark Infringement under the Lanham Act - 15 U.S.C. § 1114**

8 44. Alexa realleges and incorporates by this reference each and every allegation set
9 forth in paragraphs 1 through 43 above.

10 45. Defendant's wrongful and unauthorized use of the Alexa trademarks to
11 promote, market, or sell products and services constitutes trademark infringement pursuant to
12 15 U.S.C. § 1114.

13 46. Defendant's intentional and willful infringement of the Alexa trademarks has
14 caused and will continue to cause damage to Alexa, in an amount to be proved at trial, and is
15 causing irreparable harm to Alexa for which there is no adequate remedy at law.

16 47. Alexa is further entitled to recover damages and to recover its other costs
17 herein. Alexa is also entitled to injunctive relief against Defendant.

18 48. Alexa is further entitled to disgorgement of ill gotten gains, including but not
19 limited to all revenues generated by Defendant from his infringing misuse of Alexa's
20 trademarks, and to recovery of statutory damages, treble damages, and attorneys' fees.

21 **THIRD CLAIM FOR RELIEF**

22 **False Designation of Origin in Violation of the Lanham Act - 15 U.S.C. § 1125(a)**

23 49. Alexa realleges and incorporates by this reference each and every allegation set
24 forth in paragraphs 1 through 48 above.

25 ///

1 58. The acts and conduct of Defendant are likely to cause confusion and mistake
2 among customers, end-users, and the public as to the origin or association of Defendant's
3 Infringing Domain Name and the associated website, with Alexa products and/or services. By
4 reason of Defendant's wrongful registration and use of the Infringing Domain Name and other
5 misconduct; customers, end-users, and the public are deceptively led to believe that
6 Defendant's website and domain name are associated with, or are sponsored by, or are
7 otherwise approved by Alexa.

8 59. Defendant's unlawful, unfair, and deceptive trade practices, and other conduct
9 described above, constitute unfair competition in violation of California Business and
10 Professions Code § 17200 *et. seq.*

11 60. As a result, Alexa is entitled to injunctive and other equitable relief against
12 Defendant, including but not limited to disgorgement of ill gotten gains.

13 **SIXTH CLAIM FOR RELIEF**
14 **Common Law Unfair Competition**

15 61. Alexa realleges and incorporates by this reference each and every allegation set
16 forth in paragraphs 1 through 60 above.

17 62. The acts and conduct of Defendant as alleged above in this Complaint
18 constitute unfair competition pursuant to the common law of California.

19 63. The Alexa trademarks are distinctive and were distinctive at the time of all acts
20 alleged herein. As a result of Alexa's substantial investment, the Alexa trademarks have
21 developed extensive goodwill in the marketplace. Accordingly, the Alexa trademarks are
22 extremely valuable to Alexa.

23 64. Defendant is not affiliated with or sponsored by Alexa, and Alexa has not
24 authorized Defendant to use or register any domain name that includes the Alexa Marks.

25 ///

1 65. Defendant's use of the Alexa trademarks has infringed on their distinctive
2 features in a manner that tends to confuse, in the public mind, Defendant's products and
3 advertising with Alexa's products and advertising. Defendant's conduct has caused and will
4 continue to cause damage to Alexa and an illicit gain of profit to Defendant, and is causing
5 irreparable harm to Alexa for which there is no adequate remedy at law.

6 66. Defendant's actions were committed intentionally, maliciously, willfully, and
7 wantonly. Alexa is entitled to disgorgement of ill gotten gains and to an award of actual and
8 punitive damages in an amount to be proved at trial.

9
10 **SEVENTH CLAIM FOR RELIEF**
Unjust Enrichment

11 67. Alexa realleges and incorporates by this reference each and every allegation set
12 forth in paragraphs 1 through 66 above.

13 68. The acts of Defendant complained of herein constitute unjust enrichment of
14 Defendant at Alexa's expense in violation of the common law of California.

15 69. Alexa is entitled to disgorgement of ill gotten gains and to an award of
16 damages in an amount to be proved at trial.

17 **EIGHTH CLAIM FOR RELIEF**
18 **Breach of Contract**

19 70. Alexa realleges and incorporates by this reference each and every allegation set
20 forth in paragraphs 1 through 69 above.

21 71. The Alexa Terms of Use Agreement governs all use of Alexa's software,
22 website, and information.

23 72. By using information from Alexa's website, Defendant entered into a contract
24 with Alexa.

25 ///
26

1 d) assisting, aiding, or abetting any other person or business entity in
2 engaging in or performing any of the activities referred to in subparagraphs a) through c)
3 above.

4 e) accessing Alexa's computers, computer systems, or data without
5 express written permission.

6 2. That the Court order the forfeiture or cancellation of the Infringing Domain
7 Name and the transfer of the Infringing Domain Name to Alexa;

8 3. That the Court order Defendant to disgorge all ill gotten gains;

9 4. That the Court award Alexa actual damages, treble damages, statutory
10 damages and punitive damages, in amount to be proven at trial;

11 5. That the Court award Alexa its attorneys' fees and costs incurred herein,
12 including prejudgment and post-judgment interest; and

13 6. That the Court grant Alexa all other relief to which it is entitled and such other
14 or additional relief as is just and proper under these circumstances.

15
16 DATED: March 26, 2007

KIRKPATRICK & LOCKHART PRESTON GATES
ELLIS LLP

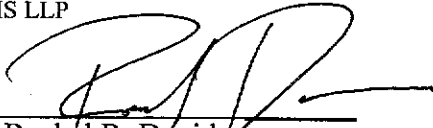
17
18 By 
19 Rachel R. Davidson
20 Attorneys for Plaintiff
21 Alexa Internet
22
23
24
25
26

Exhibit A

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

Reg. No. 2,181,470

United States Patent and Trademark Office

Registered Aug. 11, 1998

**SERVICE MARK
PRINCIPAL REGISTER**

ALEXA

ALEXA INTERNET (CALIFORNIA CORPORATION)
PRESIDIO BUILDING 116
P.O. BOX 29141
SAN FRANCISCO, CA 94129 ALEXA INTERNET
(CALIFORNIA CORPORATION)

PRESIDIO BUILDING 116
P.O. BOX 29141
SAN FRANCISCO, CA 94129

FOR: PROVIDING A WIDE RANGE OF INFORMATION VIA GLOBAL COMPUTER NETWORKS, IN CLASS 42 (U.S. CLS. 100 AND 101).
FIRST USE 7-0-1997; IN COMMERCE 7-0-1997.

SN 75-242,413, FILED 2-18-1997.

RUDY R. SINGLETON, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,189,928

United States Patent and Trademark Office

Registered Sep. 15, 1998

**TRADEMARK
PRINCIPAL REGISTER**

ALEXA

ALEXA INTERNET (CALIFORNIA CORPORATION)
PRESIDO BUILDING 116
P.O. BOX 29141
SAN FRANCISCO, CA 94129 BY CHANGE OF
NAME FROM INTERNET ARCHIVE, THE
(CALIFORNIA CORPORATION) SAN FRANCISCO, CA 94129

FOR: COMPUTER SOFTWARE FOR VIEWING INFORMATION ON GLOBAL COMPUTER


NETWORKS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 7-0-1997; (IN COMMERCE 7-0-1997.

SN 75-242,421, FILED 2-18-1997.

RUDY R. SINGLETON, EXAMINING ATTORNEY

Exhibit B




[Search](#) [Traffic Rankings](#) [Directory](#)


Advanced


powered by Alexa Web Search

Developer's Corner

- [Web Search](#)
- [Alexa Data](#)
- [Thumbnails](#)
- [Widgets](#)
- [Custom Toolbar](#)
- [Site Report](#)





 [Alexa web search platform](#)

 [Alexa toolbar download](#)

 [Alexa and Firefox](#)

Hot Searches: valentine's day, lunar new year, michelle manhat, bolney spears, bath ostrosky

Movers & Shakers - as of February 19, 2007

- 
Joe Rogan
 Website of comic entertainer. Recently popular because of his account of an altercation.
www.jerogan.net - Site Info
- 
The Mail
 UK tabloid.
www.mailsunday.co.uk - Site Info
- 
X17
 Celebrity gossip and news.
www.x17online.com - Site Info
- 
Upspiral.com
www.upsiral.com - Site Info

[More Movers & Shakers](#)

Alexa Top Sites


Rank	Change	Web site	Info
1	(none)	yahoo.com	
2	(none)	msn.com	
3	(none)	google.com	
4	↕ 2	youtube.com	
5	(none)	baidu.com	
6	↑ 1	myspace.com	
7	(none)	live.com	

Want more top sites?

View the top sites by:

- Global 500
- Country
- Language

Image Search



Web Discovery Machine

[More Web Discovery](#)

Wednesday, February 21, 2007

Exhibit C



NATIONAL
ARBITRATION
FORUM

Alexa Internet)	
Presidio of San Francisco)	
Building 37 P.O. Box 29141)	
San Francisco CA 94129-9141)	FA0702000924564
)	
(Complainant))	
)	
v.)	Domain Name In Dispute:
)	
Alexaholic.com)	
c/o Ron Hornbaker)	Alexaholic.com
1627 Main St)	
GSI Suite 1100)	
Kansas City, [MO] 64108)	
)	
(Respondent))	

**AMENDED COMPLAINT IN ACCORDANCE WITH
THE UNIFORM DOMAIN NAME DISPUTE RESOLUTION POLICY**

[1.] This Amended Complaint is hereby submitted for decision in accordance with the Uniform Domain Name Dispute Resolution Policy, adopted by the Internet Corporation for Assigned Names and Numbers (ICANN) on August 26, 1999 and approved by ICANN on October 24, 1999 (ICANN Policy), and the Rules for Uniform Domain Name Dispute Resolution Policy (ICANN Rules), adopted by ICANN on August 26, 1999 and approved by ICANN on October 24, 1999, and the National Arbitration Forum ("NAF") Supplemental Rules (Supp. Rules). ICANN Rule 3(b)(i).

The Amendments are to more completely name the Respondent as Alexaholic.com c/o Ron Hornbaker, and to assert that Complainant has served the Registrar with a copy of this complaint in accordance with NAF Supp. Rule 4(e).

- [2.] **COMPLAINANT INFORMATION** [ICANN Rule 3(b)(ii)]
- [a.] Name: Alexa Internet
 - [b.] Address: Presidio of San Francisco
Building 37 P.O. Box 29141
San Francisco CA 94129-9141
 - [c.] Telephone: 415-561-6900

[d.] Fax: 415-561-6795
[e.] E-Mail: ops@ALEXA.COM

Complainant's authorized representatives in this proceeding are James E. Geringer, Esq., and Kevin M. Hayes, Esq., of Klarquist Sparkman, LLP. The Complainant's preferred method for communications directed to the Complainant in the administrative proceeding are as follows: [ICANN Rule 3(b)(iii)]

Electronic-Only Material

[a.] Method: e-mail
[b.] Address: james.geringer@klarquist.com
[c.] Contact: James E. Geringer, Esq.
Klarquist Sparkman, LLP

Material Including Hard Copy

[a.] Method: fax
[b.] Address/Fax: (503) 228-9446
[c.] Contact: James E. Geringer, Esq.
Klarquist Sparkman, LLP
One World Trade Center, Suite 1600
121 SW Salmon Street
Portland, OR 97204
Tel. (503) 226-7391

The Complainant chooses to have this dispute heard before a three-member administrative panel. Complainant submits the following three candidates from which to choose one of the three panelists: [ICANN Rule 3(b)(iv)]

1. Edward C. Chiasson, Q.C. (NAF panelist)
2. Honorable Irving H. Perluss (NAF panelist)
3. Honorable Tyrus Atkinson, Jr. (NAF panelist)

[3.] RESPONDENT INFORMATION

[a.] Name: Alexaholic.com
[c/o] Ron Hornbaker
(Administrative Contact: Humankind Systems, Inc., enom-removethis-@hksi.net, +1.8162563300)
[b.] Address: 1627 Main St
GSI Suite 1100
Kansas City, MO 64108
[c.] Telephone: +1.8162563301
[d.] Fax: n/a
[e.] E-Mail: enom-removethis-@hksi.net

Respondent apparently also uses the e-mail addresses ronhornbaker@gmail.com and ron@ronhornbaker.com. Respondent's authorized representative in the administrative proceeding is not known. [ICANN Rule 3(b)(v)].

[4.] DISPUTED DOMAIN NAME(S)

[a.] The following domain names are the subject of this Complaint [ICANN Rule 3(b)(vi)]:

ALEXAHOLIC.COM

[b.] Registrar Information: [ICANN Rule 3(b)(vii)]

- [i.] Registrar's Name: eNom, Inc.
- [ii.] Registrar Address: 15801 NE 24th St.
Bellevue, WA 98008 USA
- [iii.] Telephone Number: 425.274.4500
- [iv.] E-Mail Address: legal@enom.com, udrp@enom.com

[c.] Trademark/Service Mark Information [ICANN Rule 3(b)(viii)]:

ALEXA[®], both as registered and at common law, for goods and services including those set forth in the Table below.

[5.] **FACTUAL AND LEGAL GROUNDS**

Complainant Alexa Internet ("Alexa") brings this Complaint because Respondent has registered, and continues to use, a domain name that deliberately incorporates Complainant's famous **ALEXA** tradename and trademark, in a bad faith effort to benefit from Alexa's famous name and reputation. Respondent has even gone so far as to post an imitation logo on its website, as illustrated below:

Alexa's genuine logo:



(See Exhibit A, screen capture of www.Alexa.com).

Respondent's copied logo:



(See Exhibit B, screen capture of www.Alexaholic.com).

Alexa's parent company, Amazon.com, has tried to resolve this matter with Respondent, but to without success. Accordingly, Complainant brings this action based on the following factual and legal grounds. [ICANN Rule 3(b)(ix); NAF Supp. Rule 4(a)].

[A.] The Disputed Domain Name Is Based on and Confusingly Similar to Complainant's Famous ALEXA Tradename and Trademark

The fame, consumer recognition, and Complainant's ownership of its ALEXA® trademark is not subject to dispute. Since its founding in April 1996, Alexa has implemented a unique vision of Web navigation that is intelligent and constantly improving with the participation of its users. In September of 1997, Alexa released version 1.0 of its ALEXA Toolbar, featuring Site Information, Related Links, access to archived pages, access to Encyclopaedia Britannica content, and an instant messaging feature. By 1998, the Alexa toolbar had been downloaded over 1,000,000 times, a number that reached 3,000,000 just two years later. Since then -- and long before the Alexaholic.com domain name was even registered by Respondent -- Alexa's installed base of literally millions of ALEXA toolbars has revolutionized Web navigation and intelligence. Alexa's innovation includes (but is not limited to) such achievements as The Wayback Machine, built by Alexa for the Internet Archive and named the site of the year by Yahoo Internet Life magazine in 2001. See <http://www.alexa.com/site/company/history>; see also <http://www.archive.org/about/faqs.php#8> ("How was the Wayback Machine made?"). Complainant's inherently distinctive ALEXA trademark is also the subject of two United States trademark registrations, which are summarized in the table below.

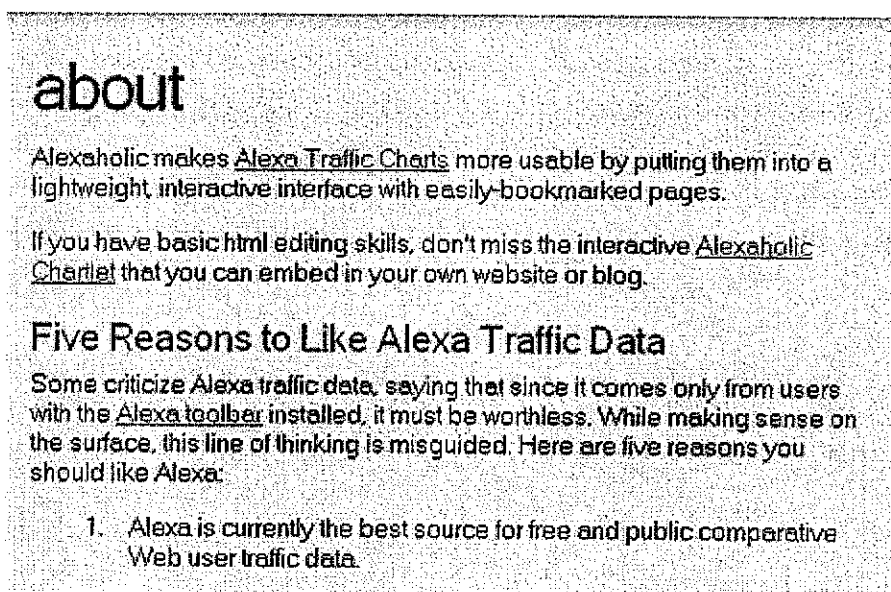
United States Trademark Registrations

Mark	Reg. No. and Exemplary Dates	Goods/Services
ALEXA	2,181,470 FIRST USE: 19970700. FIRST USE IN COMMERCE: 19970700	providing a wide range of information via global computer networks
ALEXA	2,189,928 FIRST USE: 19970700. FIRST USE IN COMMERCE: 19970700	computer software for viewing information on global computer networks

Mark	Reg. No. and Exemplary Dates	Goods/Services

Copies of these U.S. registrations are attached as Exhibit D.

It is also beyond dispute that the disputed domain name is based upon, and confusingly similar to, Complainant's tradename and federally registered trademark. Indeed, the Alexaholic.com website itself pays tribute to ALEXA's services and technology, as shown in the excerpt from the "About" page of Respondent's website, shown below:



(See the full "About" screen capture attached as page 2 of Exhibit B). As a result of this attribution, the imitation logo shown above, and the incorporation of ALEXA in the domain name at issue, consumers are likely to assume incorrectly that this domain is somehow affiliated with or authorized by Complainant Alexa, which it is not.¹

¹ Complainant notes that the website to which the disputed domain resolves includes a statement (shown in small type at the bottom of page 1 of Exhibit B hereto) that it is "neither affiliated with nor possible without alexa.com." However, "[a] disclaimer by Respondent on its website does not alleviate the problem" of confusing similarity, because such disclaimers may not be seen or understood, and in any event are not sufficient to prevent initial interest confusion. See, e.g., Avery Dennison Corporation v Sarah Wilkerson dba Wilk Enterprises, (NAF Sept. 4, 2001) (transferring AveryLabels.com; "The Complainant's use of disclaimer and links to Complainant's website did not circumvent a finding of bad faith. See Ciccone v. Parisi <Madonna.com>, D-2000-0848 (WIPO Oct. 12, 2000). In that case it was found that the use of a disclaimer on Respondent's website was insufficient to avoid a finding of bad faith since the disclaimer might be ignored or misunderstood by Internet users and a disclaimer did nothing to

**[B.] Respondent Has No Rights or Legitimate Interests
in the Disputed Domain Name**

Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services. First, Respondent did not register the disputed domain name until February 27, 2006, more than eight years after Complainant's federal trademark registrations issued, and long after Alexa began offering the information services that Respondent's site makes use of. See Exhibit D (WHOIS data for Alexaholic.com) and Exhibit C (ALEXA trademark registrations). Second, the domain and Respondent's associated website deliberately invoke Complainant's mark, even to the point of the imitative logo shown above. As the Panel held in another case involving the use of an imitation logo, "Respondent's offer in this case is not a bona fide offering of goods or services because Respondent is providing such services under Complainant's protected marks. Respondent may provide the services, but not in Complainant's name." Amazon.com, Inc. v. RC Group, FA270286 (NAF June 30, 2004) (transferring <amazonenespanol.com> and other domain registrations to Amazon.com). See also RMO, Inc. v. Burbridge, FA 96949 (NAF May 16, 2001) (noting that Policy ¶ 4(c)(ii) requires "a showing that one has been commonly known by the domain name prior to registration of the domain name to prevail").

Furthermore, as another Panel found in a similar case, the use of "holic" as a suffix to modify a well-known mark fails to differentiate that mark, and wrongly takes advantage of Complainant's goodwill. See America Online, Inc. v. Scott Ridher a/k/a PUGDOG Enterprises, Inc., FA306611 (NAF Sept. 29, 2004) ("The addition of the letters "oholic" or "coholic" is insufficient to differentiate Respondent's domain names from Complainant's AOL and AOL.COM marks"; "The Panel finds that the record supports Complainant's contention that Respondent's . . . <aoloholic.com>, <aoloholic.net>, <aoloholic.org>, <aolcoholic.com>, <aolcoholic.net> and <aolcoholic.org> domain names take advantage of the goodwill associated with Complainant's well-known AOL [and] AOL.COM . . . marks and therefore Respondent is not making a legitimate noncommercial or fair use pursuant to Policy ¶ 4(c)(iii).")² "Where a

dispel initial interest confusion that was inevitable from Respondent's actions."); Digi Int'l v. DDI Sys., FA124506 (NAF Oct. 24, 2002).

² Cf. Mattel, Inc. v. IQ Management Corporation, FA244128 (NAF May 12, 2004) (transferring hotwheelsaddict.com to the owner of the mark HOT WHEELS) ("Respondent's domain names are confusingly similar to Complainant's . . . HOT WHEELS mark[] because the domain names fully incorporate one or the other of Complainant's marks and add generic terms such as . . . 'addict.'"; "Moreover, Respondent is not licensed or authorized to register or use domain names that incorporate Complainant's marks. Therefore, the Panel concludes that Respondent lacks rights and legitimate interests in the domain names pursuant to Policy ¶ 4(c)(ii) Commercial use of a domain name confusingly similar to another's mark does not constitute a bona fide offering of goods or services pursuant to Policy ¶4(c)(i) or a legitimate noncommercial or fair use pursuant to Policy ¶4(c)(iii).")

Complainant's trademark is well known - as it is in this case - registration of a confusingly similar domain name without a good faith business justification cannot be legitimate." Las Vegas Sands, Inc. v. The Sands of the Caribbean, D2001-1157 (WIPO Apr. 25, 2001). Moreover, as stated in Madonna Ciccone v. Dan Parisi, "use which intentionally trades on the fame of another cannot constitute a 'bona fide' offering of goods or service. . . . [T]o conclude otherwise would mean that a Respondent could rely on intentional infringement to demonstrate a legitimate interest, an interpretation which is obviously contrary to the intent of the Policy." Madonna Ciccone v. Dan Parisi, D2000-0847 (WIPO Oct. 16, 2000).

It should also be noted that Complainant has not licensed Respondent to use the disputed domain name. Respondent is expected to argue that Complainant has not objected to Respondent's website, and indeed has complimented Respondent's technology, but that is irrelevant. It simply does not matter whether Respondent's website is or is not technically adept. Rather, as noted by the Panel in RC Group, cited above, "Respondent may provide the services, but not in Complainant's name." (Emphasis added) Neither does it matter that Complainant attempted to resolve its dispute with Respondent over this use of Complainant's registered trademark informally before bringing this Complaint. Any claim that Respondent might make that the trademark owner, Alexa, has somehow licensed or approved Respondent's use of the ALEXA® trademark, is simply false.

[C.] The Domain Name Was Registered and Is Being Used In Bad Faith

In this case, Respondent's prior knowledge of Complainant's mark and bad faith attempt to profit from Complainant's goodwill are indisputable. Respondent has not only incorporated Complainant's word mark in Respondent's domain name, it has based its site on Complainant's reputation and technology. Moreover, Respondent has even copied Complainant's logo. See Exhibits A and B (showing Respondent's imitative logo and Complainant's genuine logo). Given these facts, and the late creation date of the disputed domain names, there can be no question that Respondent's registration and continuing use of Complainant's name and mark is in bad faith, in violation of both the Policy and U.S. state and federal law.¹ [ICANN Rule 3(b)(ix)(3); ICANN Policy ¶ 4(a)(iii)]. See Miller Brewing Company v. km, FA158252 (NAF July 3, 2003) ("The registration and use of a domain name confusingly similar to a trademark despite actual or constructive knowledge of the mark holder's rights is itself evidence of bad faith registration and use.")

Finally, Respondent's invitation to the public to advertise on the disputed website, and the advertising already present there (shown in Exhibit B and below), provide further evidence of Respondent's bad faith, by making clear that Respondent has used the disputed domain name for commercial gain:

¹ This Panel is empowered to notice appropriate national law. See Rule 15(a).

Advertise on Alexaholic.com - Microsoft Internet Explorer

From Snap.com the search engine with pictures

Pinpoint Your Internet Visitor in Real-time

InstantDomainSearch.com 2 seconds is 1,9 too many

home about advertise help feedback tell a friend embed it bookmark it print digg it rss

advertise

Want to reach webmasters, SEO/SEM specialists, site owners, bloggers, or VCs? Advertising on Alexaholic.com may work well for you.

Alexaholic's Google PageRank for the home page is 7/10 (based on organic backlinks) and the Alexa Traffic Rank trend since launch in late February 2006 has been encouraging:

alexaholic.com

Daily Traffic Rank Trend

Alexaholic.com

©2007 Alexaholic.com

The top-of-page sponsor advertising offers the most exposure. Contact me, Ron Hambaker, at advertising@alexaholic.com to talk rates and reserve your spot.

Our bottom-of-page co-sponsor links, which are hard-written to the html so you'll benefit from Alexaholic's PageRank, are administered by Text Link Ads. You can purchase them there and the links will show up here within a few hours.

(<http://www.alexaholic.com/advertise>). See Mattel, Inc. v. IQ Management Corporation, FA244128 (NAF May 12, 2004) (transferring hotwheelsaddict.com to the owner of the mark HOT WHEELS; “Respondent commercially benefits from using domain names confusingly similar to Complainant’s marks, which is evidence that Respondent registered and used the domain names in bad faith pursuant to Policy ¶ 4(b)(iv).”)

In summary, the Alexaholic.com domain creates a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of Respondent’s website and services. The domain registration should therefore be ordered transferred to Complainant before further harm and confusion accrues.

[6.] REMEDY SOUGHT

Complainant requests that the domain name registration be **transferred** to Complainant. [ICANN Rule 3(b)(x); ICANN Policy ¶ 4(i)]

[7.] OTHER LEGAL PROCEEDINGS

To Complainant's knowledge, no other legal proceedings have been commenced or terminated in connection with or relating to the domain name that is the subject of this Complaint. [ICANN Rule 3(b)(xi)]

[8.] COMPLAINT TRANSMISSION

The Complainant asserts that a copy of this Amended Complaint, together with the cover sheet as prescribed by NAF's Supplemental Rules, has been sent or transmitted to the Respondent (domain-name holder), in accordance with ICANN Rule 2(b). [ICANN Rule 3(b)(xii); NAF Supp. Rule 4(c)] Complainant has also served the Registrar with a copy of the Amended Complaint in accordance with NAF Supp. Rule 4(e).

[9.] MUTUAL JURISDICTION

The Complainant will submit, with respect to any challenges Respondent may make to a decision in this administrative proceeding canceling or transferring the domain name, to jurisdiction in the location of the principal office of the concerned registrar, eNom: namely, in the Western District of Washington. [ICANN Rule 3(b)(xiii)]

[10.] CERTIFICATION

Complainant agrees that its claims and remedies in this proceeding concerning the registration of the domain name, the dispute, or the dispute's resolution shall be solely against the domain-name holder and waives all such claims and remedies against (a) the National Arbitration Forum and panelists; (b) the registrar, (c) the registry administrator, and (d) the Internet Corporation for Assigned Names and Numbers, as well as their directors, officers, employees, and agents, all except in the case of deliberate wrongdoing.

Complainant certifies that the information contained in this Complaint is to the best of Complainant's knowledge complete and accurate, that this Complaint is not being presented for any improper purpose, such as to harass, and that the assertions in this Complaint are warranted under these Rules and under applicable law, as it now exists or as it may be extended by a good-faith and reasonable argument.

Respectfully submitted,

/s/ James E. Geringer/
James E. Geringer
Klarquist Sparkman, LLP
One World Trade Center, Suite 1600
121 SW Salmon Street
Portland, OR 97204

February 28, 2007

Index of Exhibits

- A. Screen capture from the genuine Alexa.com website showing genuine use of the ALEXA® mark
- B. Screen captures from Alexaholic.com as of February 21, 2007
- C. United States trademark registrations of ALEXA
- D. Copy of text from WHOIS record for the disputed domain name

Exhibit A

Hot Searches: valentine's day, junior new year, michelle manhart, britney spears, beth ostrosky

Movers & Shakers - as of February 19, 2007

- Joe Rogan**
 Website of comic entertainer. Recently popular because of his account of an altercation
www.joerogan.net - Site Info
- The Mail**
 UK tabloid.
www.mailonsunday.co.uk - Site Info
- X17**
 Celebrity gossip and news.
www.x17online.com - Site Info
- Upspiral.com**
www.upsiral.com - Site Info

[More Movers & Shakers](#)

Rank	Change	Web site	Info
1	(none)	yahoo.com	
2	(none)	msn.com	
3	(none)	google.com	
4	↑ 3	youtube.com	
5	(none)	ebay.com	
6	↓ 1	myspace.com	
7	↑ none	ikea.com	

Want more top sites?
View the top sites by:

- Global 500
- Country
- Language

Wednesday, February 21, 2007

Exhibit B (page 1 of 2)

The screenshot shows the Alexaholic website interface. At the top, there is a navigation bar with the Alexaholic logo and several promotional banners, including one for 'InstantDomainSearch.com'. The main content area features a large heading 'Website traffic comparisons on steroids' followed by a descriptive paragraph about the service's capabilities. Below this, there are two columns of content: 'Classic alexaholic matchups' and 'Recent alexaholic requests', each containing a list of domain names. At the bottom of the page, there is a footer with copyright information and a date stamp: 'Wednesday, February 21, 2007'.

Website traffic comparisons on steroids

Alexaholic blends Alexa website traffic graphs with a lightweight ajax-enhanced interface to create hard-core Alexa traffic chart junkies - aka Alexaholics.

Webmasters, SEO/SEM specialists, and domain owners can compare and measure website statistics for up to five domains at once, switch traffic chart types, and ranges, without page loads, and generate report pages that are easily bookmarked and shared. Read more.

Classic alexaholic matchups

- google.com + yahoo.com + msn.com
- dell.com + apple.com + hp.com + lenovo.com + sun.com
- amazon.com + ebay.com
- slashdot.org + digg.com + fark.com
- vulture.com + nbc.com + nba.com + nypost.com + black.com
- craigslist.org + zendesk.com + nyspace.com + outlook.com + blogger.com
- ebay.com + beinghonest.net + livejournal.com + techcrunch.com + technorati.com
- del.icio.us + stumbleupon.com

Recent alexaholic requests

- www.theindex.com + www.ike.com + zshackery.net
- shreyasstyle.com + shreyasstyle.com
- www.lainet.com + www.wel-mart.com
- ehq.com + google.com + yajid.com
- worldnews.org + www.dupol.org
- mediana.streamload.com
- www.pincepouhew.com + www.bunkisbabyfilter.com
- ebay.com + google.com
- more

Copyright © 2007 Alexaholic. All rights reserved. Alexaholic.com is a trademark of Alexaholic.com. All other trademarks are the property of their respective owners. Alexaholic.com is not affiliated with Alexa.com.

Wednesday, February 21, 2007

Exhibit B (page 2 of 2)

The screenshot shows a web browser window with the URL <http://www.alexaholic.com/about>. The browser's address bar and toolbar are visible at the top. Below the browser, there are three promotional banners: "alexaholic" with the tagline "Turn every link on your site into an instant search", "LOCATION" with "LOCATION" in a stylized font, and "InstantDomainSearch.com" with the tagline "2 seconds is 1.9 too many".

The main content area of the page includes a navigation menu with links for "home", "about", "advertise", "search", "feedback", "links", "contact", "embed", "bookmark", "print", and "rss".

The "about" section contains the following text:

Alexaholic moves Alexa Traffic Charts more usable by putting them into a lightweight interactive interface with easily-navigated pages.

If you have basic HTML editing skills, don't miss the interactive Alexaholic Chart that you can embed in your own website or blog.

Five Reasons to Like Alexa Traffic Data

Some criticize Alexa traffic data, saying that since it comes only from users with the Alexa toolbar installed, it must be worthless. While making sense on the surface, this line of thinking is misguided. Here are two reasons you should like Alexa:

1. Alexa is currently the best source for free and public comparative Web user traffic data.
2. Newbies with the Alexa Toolbar are not the only source of data. Firefox users with Craig New's cool SearchStatus extension should note that their browsing behavior is primarily being phone-home to Alexa, and included in the stats you see here.
3. Statistical significance is achievable with only a small subset of the population - ask a pollster or a high school math teacher.
4. Alexa's lightning-fast graph rendering engine absolutely rocks. Think about the mountains of data Alexa is working with on the backend, and all the possible permutations of graph content and size that prevent widespread caching, and I think you'll agree that their engineers brought their A-game to this one.
5. The key is "comparative" traffic data. If you want to know exactly how many page views and visitors your site is getting, get a good webserver log analysis tool. But if you want to quickly compare your site's traffic to your competitor's sites, Alexa is your friend.

Who's Behind It

I'm Ben Hinkeski, and I created Alexaholic over a long weekend in February 2006 for my own selfish purposes: to get faster and more flexible access to Alexa traffic charts. The fact that Alexaholic has received so much attention and traffic was a surprise. My other gigs include [BarkCrusader](#) and [Popsman](#).

Alexaholic is not affiliated with [Alexa.com](#), but depends on them exclusively for the traffic chart images. Fortunately for me, Alexa is a great company that has historically been supportive of 3rd-party development like the excellent [Alexa.com](#). According to the Alexa blog, a page calling Alexaholic "cool", they apparently approve of my efforts. I hope you like it, too.

Learn more about advertising on Alexaholic.com.

Wednesday, February 21, 2007

Exhibit C (page 1 of 2)

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

Reg. No. 2,181,470

United States Patent and Trademark Office

Registered Aug. 11, 1998

**SERVICE MARK
PRINCIPAL REGISTER**

ALEXA

ALEXA INTERNET (CALIFORNIA CORPORATION)
PRESIDIO BUILDING 116
P.O. BOX 29141
SAN FRANCISCO, CA 94129 ALEXA INTERNET (CALIFORNIA CORPORATION)

PRESIDIO BUILDING 116
P.O. BOX 29141
SAN FRANCISCO, CA 94129

FOR: PROVIDING A WIDE RANGE OF INFORMATION VIA GLOBAL COMPUTER NETWORKS, IN CLASS 42 (U.S. CLS. 100 AND 101).
FIRST USE 7-0-1997; IN COMMERCE 7-0-1997.

SN 75-242,413, FILED 2-18-1997.

RUDY R. SINGLETON, EXAMINING ATTORNEY

Exhibit C (page 2 of 2)

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,189,928

United States Patent and Trademark Office

Registered Sep. 15, 1998

**TRADEMARK
PRINCIPAL REGISTER**

ALEXA

ALEXA INTERNET (CALIFORNIA CORPORATION)
PRESIDO BUILDING 116
P.O. BOX 29141
SAN FRANCISCO, CA 94129 BY CHANGE OF
NAME FROM INTERNET ARCHIVE, THE
(CALIFORNIA CORPORATION) SAN FRANCISCO, CA 94129

FOR: COMPUTER SOFTWARE FOR VIEWING
INFORMATION ON GLOBAL COMPUTER

NETWORKS, IN CLASS 9 (U.S. CLS. 21, 23, 26,
36 AND 38).

FIRST USE 7-0-1997; IN COMMERCE
7-0-1997.

SN 75-242,421, FILED 2-18-1997.

RUDY R. SINGLETON, EXAMINING ATTORNEY

Exhibit D

Registration Service Provided By: Humankind Systems, Inc.
Contact: enom-removethis-@hksi.net
Visit: http://www.hksi.net

Domain name: ALEXAHOLIC.COM

Registrant Contact:

Alexaholic.com
Ron Hornbaker (enom-removethis-@hksi.net)
+1.8162563301
Fax:
1627 Main St
GSI Suite 1100
Kansas City, 64108
US

Administrative Contact:

Humankind Systems, Inc.
Admin Contact (enom-removethis-@hksi.net)
+1.8162563300
Fax:
1627 Main St
GSI Suite 1100
Kansas City, MO 64108
US

Technical Contact:

Humankind Systems, Inc.
Admin Contact (enom-removethis-@hksi.net)
+1.8162563300
Fax:
1627 Main St
GSI Suite 1100
Kansas City, MO 64108
US

Status: Locked

Name Servers:

NS1.HKSI.NET
NS2.HKSI.NET

Creation date: 27 Feb 2006 18:59:55
Expiration date: 27 Feb 2008 18:59:55
==--==

The data in this whois database is provided to you for information purposes only, that is, to assist you in obtaining information about or related to a domain name registration record. We make this information available "as is," and do not guarantee its accuracy. By submitting a whois query, you agree that you will use this data only for lawful purposes and that, under no circumstances will you use this data to: (1) enable high volume, automated, electronic processes that stress or load this whois database system providing you this information; or (2) allow, enable, or otherwise support the transmission of mass unsolicited, commercial advertising or solicitations via direct mail, electronic mail, or by telephone. The compilation, repackaging, dissemination or

other use of this data is expressly prohibited without prior written consent from us.

We reserve the right to modify these terms at any time. By submitting this query, you agree to abide by these terms.
Version 6.3 4/3/2002

The previous information has been obtained either directly from the registrant or a registrar of the domain name other than Network Solutions. Network Solutions, therefore, does not guarantee its accuracy or completeness.

Show underlying registry data for this record

Current Registrar:	ENOM, INC.
IP Address:	<u>204.118.40.38</u> (ARIN & RIPE IP search)
IP Location:	US(UNITED STATES)-MASSACHUSETTS-DEDHAM
Record Type:	Domain Name
Server Type:	IIS 6
Lock Status:	clientDeleteProhibited
Web Site Status:	Active
DMOZ	no listings
Y! Directory:	<u>see listings</u>
Web Site Title:	Alexaholic: Website Statistics and Website Traffic Graphs
Meta Description:	Alexaholic blends Alexa website traffic graphs with a lightweight ajax interface. View website statistics for up to 5 domains at once.
Meta Keywords:	website statistics,web site statistics,website traffic graphs,alexa,alexaholic,traffic graphs,traffic charts,alexa traffic graphs,website traffic,web site traffic,website rank,web site rank,seo,sem
Secure:	No
E-commerce:	No
Traffic Ranking:	4
Data as of:	30-Oct-2006

Exhibit D

Home | About | Services | Alex's list | Feedback | Add a friend | Get the it | Bookmark | My alexa | RSS

alexaholic Turn every link on your site into an instant preview

LOCATION Instant Domain Search.com
2 seconds is 1.9 too many

about

Alexaholic makes Alexa Traffic Charts more usable by putting them into a lightweight, interactive interface with easily-book-marked pages.

If you have basic html coding skills, don't miss the interactive Alexaholic widgets that you can embed in your own website or blog.

Five Reasons to Like Alexa Traffic Data

Some criticize Alexa traffic data saying that since it comes only from users with the Alexa toolbar installed, it must be worthless. While making sense on the surface, this line of thinking is misguided. Here are five reasons you should like Alexa.

1. Alexa is currently the best source for free and public comparative Web user traffic data.
2. Besides the Alexa Toolbar, eye and the only source of data. Firefox users with Chris Res's cool SearchStatus extension should note that their browsing behavior is similarly being picked up by Alexa, and included in the statistics you see here.
3. Statistical significance is attainable with only a small subset of the population - ask a pollster or a high school math teacher.
4. Alexa's blazing fast graph rendering engine absolutely rocks. Think about the mountains of data Alexa is working within the backend, and all the possible permutations of graph content and size that prevent widespread caching, and I think you'll agree that their engineers brought their A-game to this one.
5. The key to comparative traffic data: If you want to know exactly how many page views and visitors your site is getting, get a good webserver log analysis tool. But if you want to quickly compare your site's traffic to your competitors' sites, Alexa is your friend.

Who's Behind It

I'm Bob Hancock, and I created Alexaholic over a long weekend in February 2006 for my own selfish purpose: to get faster and more flexible access to Alexa traffic charts. The fact that Alexaholic has received so much attention and love was a surprise. My other sites include Book Crossing and EyeSearch.

Alexaholic is not affiliated with Alexa.com, but depends on them exclusively for the traffic chart images. Fortunately for me, Alexa is a cool company that has historically been supportive of 3rd-party development like the excellent Alexa Explorer. According to the Alexa blog article calling Alexaholic "cool", they apparently approve of my efforts. I hope you like it, too.

Learn more about advertising on Alexaholic.com

Wednesday, February 21, 2007