

John F. Tamburo

From: schipstar@aol.com  
Sent: Wednesday, May 05, 2004 3:47 PM  
To: Schipperkes@yahoogroups.com  
Subject: Re: [Schipperkes] I am not avoiding the questions.

PLAINTIFF'S  
EXHIBIT  
(25)

Sir,  
I'm sorry, I'm now convinced, after your last email, that you are being deliberately dense. Again, you are obviously not stupid, in fact, you are incredibly adept at totally skirting the real issues. I'm starting to believe that you, yourself, must be an attorney, because you talk just like one. A crooked one at that.

What I absolutely resent is the fact that you are insulting the intelligence of everyone in the Schip world by your ridiculous statements about YOUR rights and your CUSTOMERS rights, etc.

You see, we all treasure the things that Kristen has given us. I know that over the years, Kristen has been offered money to allow others to have a copy for their personal use, and she's turned everyone down, has not made a PENNY of money from it, she has given it to us as her gift to our breed, as she rightly should have, has retained the ownership of her hard work. I have been in this breed for over 30 years, and I've said it before, this is probably the greatest gift our breed has ever been given. Who are YOU to misuse it for your own personal benefit?

Why should you, or your precious customers, have any more rights than the rest of us? Because they pay YOU? Hmmm, the word "pimping" comes to mind. (Sound of loud GUFFAW!)

You have NOT answered why they can't just go into the wonderful database that Kristen has allowed us all FREE access to, and READ the info that is there. If they want to use your software to utilize the info that they see there, that's fine, but you had no right to copy what is NOT public domain, it is a result of a lot of blood, sweat and tears of someone else.

If you feel that the things you have stolen from others are so important to the welfare of your customers, then you should hire someone to do the same work that Kristen already has done, NOT to benefit herself, but to globally benefit our breed as a whole.

People do NOT need your software to get the information that is on Kristen's website, all they have to do is look for themselves, and it won't cost them a single PENNY!

Finally, since you keep saying you don't see anything wrong with what you've done to Kristen and the others, I have this wish for you, that someone figures out a way to pirate YOUR hard work, and sell it to others for HUGE profits, and because of your blatant misuse of something that was a sweet and selfless gift to MY breed, the Schipperke, put you out of business.

Lynn

#### Yahoo! Groups Links

- To visit your group on the web, go to:  
<http://groups.yahoo.com/group/Schipperkes/>
- To unsubscribe from this group, send an email to:  
[Schipperkes-unsubscribe@yahoogroups.com](mailto:Schipperkes-unsubscribe@yahoogroups.com)
- Your use of Yahoo! Groups is subject to the [Yahoo! Terms of Service](#).

5/19/2004

John F. Tamburo

PLAINTIFF'S  
EXHIBIT  
(25)

From: Kristen [klhnry@bonchien.com]  
Sent: Wednesday, May 05, 2004 12:56 PM  
To: John F. Tamburo; SchipBreeder@yahoogroups.com; schipperke@yahoogroups.com; schipperkes@yahoogroups.com; schipbreeder@yahoogroups.com  
Cc: steve@thedworkins.com; support@breedmate.com; doglaw@akc.org; info@akc.org; publiced@akc.org; flamer@alfirin.net; webmaster  
Subject: Re: [SchipBreeder] RE: Stolen Pedigree Databases

You keep saying that you aren't charging for the data on your site that you took from mine. Your perspective is such a Joke because without the data on your site you would not have any value that people would want to charge for.

Will you also be using a Robot to mine data from the AKC.org site? I am sure they won't appreciate that either.

I remember when Mike Tyson was so sure that he didn't cause assault to Robin Givens because it was his PERSPECTIVE.

Well, I feel violated and your perspective escapes me you alleged unethical dolt.

Kristen Henry

At 10:40 AM 05/05/2004, John F. Tamburo wrote:

>  
> You are not entitled to the endless hours I spent compiling  
> the data relationships. You cannot simply copy my database  
> into yours without permission and start charging money for  
> it. I have copyright statements on my site to boot. I do  
> not give you permission to use that which you took from my  
> domain without my permission. Again, shame on you MBFS.

2. We are not charging anyone for the data. We don't own it, you don't own it, nobody owns it. We charge to use the program, not the data.

3. Our customers have a right to use this data since it is in the public domain. One person said we should have typed it in, but I ask: What's the difference? Speed and accuracy. We'd still be accused of theft.

---

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For more information please visit <http://www.messagelabs.com/email>

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5/19/2004

John F. Tamburo

PLAINTIFF'S

From: Kristen [klhnry@bonchien.com]

Sent: Wednesday, May 05, 2004 3:06 PM

To: SchipBreeder@yahoogroups.com; Schipperke@yahoogroups.com; Schipperkes@yahoogroups.com, SchipBreeder@yahoogroups.com

Cc: steve@thedworkins.com

Subject: Re: [SchipBreeder] RE: [Schipperke] RE: Stolen Pedigree Databases

EXHIBIT

25

27

You took someone else's hard work for your own without asking. Without my hard work and that of the others you stole from, your software would have very little value... that is your driving force.

You say you did nothing wrong, but you did.

You feel bad cause people think poorly of you... hmmm if the shoe fits...

Kristen

At 12:57 PM 05/05/2004, John F. Tamburo wrote:

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#### Yahoo! Groups Links

- To visit your group on the web, go to:  
<http://groups.yahoo.com/group/Schipperke/>
- To unsubscribe from this group, send an email to:  
[Schipperke-unsubscribe@yahoogroups.com](mailto:Schipperke-unsubscribe@yahoogroups.com)
- Your use of Yahoo! Groups is subject to the [Yahoo! Terms of Service](#).



# WORLD PEDIGREES

This site is sponsored by [www.breedmate.com](http://www.breedmate.com)

PLAINTIFF'S  
EXHIBIT  
(28)

World Pedigrees is dedicated to making pedigree data freely available for dog and cat breeds all over the world. We believe this in the best interest of all breeders and of the breeds themselves. Currently 392,124 pedigree searches since 1 May 2003.

Please note we cannot guarantee the accuracy of any data found on this web site - please read our terms of use before using any of the services offered by this site.

We basically provide three kinds of data:

- downloadable databases
- online searchable databases (listed below) ; and
- links to other online databases for dogs and cats.

We rely on the dedicated efforts of our contributors, convenors, sponsors and of course users.

If you want to make changes to a database **please contact the relevant convenor** directly!

If you would like to become a convenor please contact us at [judyREMOVESPAM@worldpedigrees.com](mailto:judyREMOVESPAM@worldpedigrees.com) (remove REMOVESPAM from email address).

Online searchable databases hosted on this site **CURRENTLY 29 ONLINE DATABASES:**

- AUSTRALIAN TERRIERS
- BEAGLES
- BLOODHOUND
- BOXERS
- BRACCO ITALIANO
- CAVALIER KING CHARLES SPANIEL
- CHESAPEAKE BAY RETRIEVERS
- CLUMBER SPANIELS
- CURLY COATED RETRIEVER
- DALMATIAN
- DEERHOUND
- FIELD SPANIELS
- FLAT COATED RETRIEVER
- GERMAN SHORTHAIK POINTERS
- GERMAN WIREHAIR POINTER
- GORDON SETTERS
- HUNGARIAN VIZSLAS
- IRISH SETTERS
- IRISH WATER SPANIELS
- IRISH WOLFHOUND
- ITALIAN SPINONES

## World Pedigrees

- NOVASCOTIA DUCK TOLLING RETRIEVER
- POINTER
- IRISH RED & WHITE SETTER
- SHETLAND SHEEPDOGS
- SUSSEX SPANIELS
- TIBETAN SPANIELS
- WELSH SPRINGER SPANIELS
- WEIMARANER

Number of database searches in the last week.

Date	Count
5/12/2004	1764
5/13/2004	1035
5/14/2004	1545
5/15/2004	1177
5/16/2004	1063
5/17/2004	1610
5/18/2004	1489
5/19/2004	568

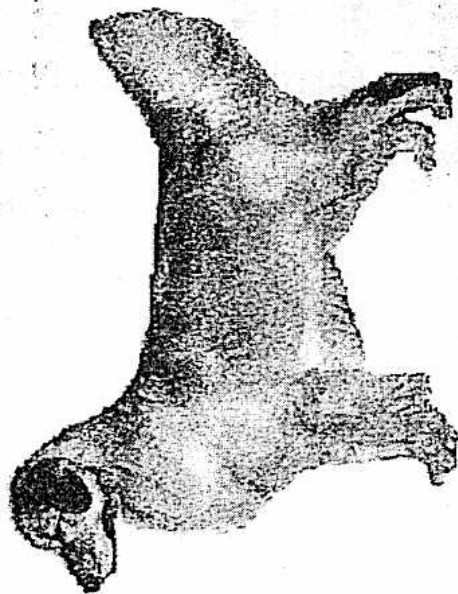
The online databases used on this site are based on ASP, ADO and COM+ technology developed by



Wild Systems PL.

# PATRIOT

PLAINTIFF'S  
EXHIBIT  
(29)



06-02-04 10:40 RCVD

CH Honor's N' Dare Power Of Faith

REELECT GEORGE W. BUSH

THE CLASH OF CIVILIZATIONS AND  
THE GREAT CALIPHATE

By  
Larry Abraham

September 11th And "The Clash Of Civilizations" by T. Allan Turner



## READ THE LAWSUIT!

People are having trouble downloading the whole

77 pages so I have split it into 7 parts :)

[Lawsuitpart1](#)

[Lawsuitpart2](#)

[Lawsuitpart3](#)

[Lawsuitpart4](#)

[Lawsuitpart5](#)

[Lawsuitpart6](#)

[Lawsuitpart7](#)

An aide to United States Senator Snowe's office (R-Maine) has answered numerous questions.

This is the gist of what was said in a one hour conversation:

1) "Spidering" of data to give a company an unfair advantage in the market place may constitute a violation of the Sherman Anti-Trust Act. Especially if it is done to create/maintain a monopoly. This would be especially true if other companies engaged in business do not resort to the same tactics.

Written complaints need to be addressed to the United States Department of Justice and/or the Federal Trade Commission.

2) Data on individual's dogs may be subject to Privacy act considerations if an individual person does not choose to have the information disclosed, it cannot be disclosed.

A proper Privacy Act waiver may be required.

Breeding a dog is not the same as showing a dog.

One is a private action. The other is a public action. Even though the general public may have access to purchase a dog/puppy, the dog/puppy is not put on public display as occurs in the show ring or field trials. many of which are televised.

Releases may be needed on collection of data for commercial uses.

Data released for public non-commercial use cannot be transferred to commercial except in writing by the original owner [dog owner].

Mere registration of a dog does not diminish the owners right to privacy.

Automobiles are registered all the time and the owner loses no privacy except to proper law enforcement individuals. [MBFS is not a law enforcement official, so they need permission to use private information.]

The only exception might be to companies which are directly regulated by state or federal governments such as telephone or power companies, but even that is questionable since phone numbers can be unpublished and/or unlisted.

Private property is still private property and the owner has control over his property both physically and in name. Damage done to a person's name is a cause for a slander/libel action.

Private corporations DO NOT have Constitutional rights to privacy et al. The rights of corporations are derivative of the persons who created them. While "legally" a person, they lack ANY KIND OF GOD GIVEN RIGHTS.

3) The designs of websites are proprietary in nature. The information on said sites may be copied by hand for personal use or saved, but reading of webpages at a level below that seen by the normal eye is viewed as being



similar to reverse engineering the page. Data collection tools such as "spiders" are considered to be similar to tools used to reverse engineer software.

Even if the proper permissions are acquired to use the data, the collecting of data by "spiders" probably is illegal. [I could not get a definite commitment, just that they are PROBABLY illegal. A full analysis of how the program works would be necessary to determine if it is DEFINITELY illegal.]

4) Individuals may seek redress against MBFS, as a class action if they desire, since the placement of the information on the net did not imply they gave permission for its usage commercially.

Public non-commercial use is not the same as private commercial use.

Individuals chose to share the information they have acquired in lieu of any profit. Profit in the work belongs to those who created the database.

MBFS must show that the information contained ON A "spidered site" was solely from a 3rd party and not from a combination of donated and/or manually input data from the party releasing the data.

5) Due to international treaties/agreements, US federal courts may take into consideration existing laws within foreign countries, especially if it appears that US law is silent on the point especially if the action is thought to possibly VIOLATE INTERNATIONAL LAW.

!!!

<u>15 Weeks Old!</u>
<u>Patsy</u>
<u>Charlie</u>
<u>Therapy Puppies</u>

<a href="#"><u>Emily</u></a>
<a href="#"><u>Joey</u></a>
<a href="#"><u>Miss Rita</u></a>
<a href="#"><u>Puppies Are Here!!</u></a>
<a href="#"><u>What Age?</u></a>
<a href="#"><u>Bob</u></a>
<a href="#"><u>Hampton</u></a>
<a href="#"><u>Arnold</u></a>
<a href="#"><u>Colby Kids</u></a>
<a href="#"><u>Bingo</u></a>
<a href="#"><u>OTCH George</u></a>
<a href="#"><u>Poodle Pedigrees</u></a>
<a href="#"><u>Always Remember 9/11</u></a>
<small>Please have your sound on when viewing 9/11</small>
<a href="#"><u>Puppy Buyers Be Aware</u></a>
<a href="#"><u>Family Fun</u></a>
<a href="#"><u>Links</u></a>

Man's Best Friend Software aka The Breeders Standard has "harvested" the information contained in the Poodle Pedigree database and other privately maintained online databases without permission and is SELLING this information on their web site. I call on MBFS to make this information available FREE to everyone, since the company maintains that the "stolen" data is not copyright protected and free for the taking. Until this data is made available FREE to everyone PLEASE BOYCOTT MBF/TBS

John Tamburo maintains that he stripped "raw" data from my pedigree when he states in his lawsuit that what he did was "deployed an automatic browser that read all of the dog pedigrees of all three defendants' web sites, stripped out the html code, and saved the bare facts to a text file, which was in turn imported into .NET for the use of his

customers."

PLEASE:

READ THE LAWSUIT

- [Lawsuitpart1](#)
- [Lawsuitpart2](#)
- [Lawsuitpart3](#)
- [Lawsuitpart4](#)
- [Lawsuitpart5](#)
- [Lawsuitpart6](#)
- [Lawsuitpart7](#)

**Poodle Pedigrees**

Now you can search for a name, using our alpha pages. These pages are updated every six months, the data in the database is more current.

ABCDEFGHIJ KLM  
NOPQRSTUVWXYZ



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John F. Tamburo

From: Kristen [klhnry@bonchien.com]  
Sent: Wednesday, May 05, 2004 11:08 AM  
To: Schipperkes@yahoogroups.com  
Subject: Re: [Schipperkes] Re: response to Mr. Tamburo

PLAIN TIFF'S

EXHIBIT

(30)

You are trying to SELL them stolen goods!!! sheesh...

Kristen

At 08:37 AM 05/05/2004, you wrote:

> What has occurred here is nothing but modern day piracy,  
> and you really should be ashamed of yourself.

I am sorry you feel that way. If I remove this info, I am forcing my customers to type it into TBS.NET anew. Why should anyone have the right to force harm upon my customers?

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Yahoo! Groups Links

- To visit your group on the web, go to:
- <http://groups.yahoo.com/group/Schipperkes/>
- 
- To unsubscribe from this group, send an email to:
- [Schipperkes-unsubscribe@yahoogroups.com](mailto:Schipperkes-unsubscribe@yahoogroups.com)
- 
- Your use of Yahoo! Groups is subject to the [Yahoo! Terms of Service](#).

6/2/2004



Make a clean sweep  
of annoying pop-up ads.

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Yahoo! Groups Links

- To visit your group on the web, go to:  
<http://groups.yahoo.com/group/Schipperkes/>
- To unsubscribe from this group, send an email to:  
[Schipperkes-unsubscribe@yahoogroups.com](mailto:Schipperkes-unsubscribe@yahoogroups.com)
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John F. Tamburo

From: Kristen Henry [klhny@bonchien.com]  
Sent: Wednesday, May 05, 2004 7:51 PM  
To: schipbreeder@yahoogroups.com; schipperkes@yahoogroups.com  
Subject: [SchipBreeder] Stolen Pedigree Databases

PLAINTIFF'S  
EXHIBIT  
(31)

Hi all,

Thanks for your emotional support today!!

I want to let you all know that there are now a few irons in the fire regarding other people he had stolen from too, and also, some of the National Dog Clubs (SCA included) are stepping up to lend an ear and possibly some support especially with getting some important big players on board and in the loop.

At this point, it is time to settle things down, and stay tuned for future news. There may or may not be some things we can do, but we certainly have some options long term.

Also, now that you all have seen the ethics and behavior of MBFS/TBS and Versity Corporation (the main Corporation Name), please consider supporting the good, and take your business elsewhere.

Thanks,

Kristen Henry  
Bonchien Schipperke Pedigree Database

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#### Yahoo! Groups Links

- To visit your group on the web, go to:  
<http://groups.yahoo.com/group/SchipBreeder/>
- To unsubscribe from this group, send an email to:  
[SchipBreeder-unsubscribe@yahoogroups.com](mailto:SchipBreeder-unsubscribe@yahoogroups.com)
- Your use of Yahoo! Groups is subject to the [Yahoo! Terms of Service](#).

6/2/2004



## John F. Tamburo

From: K. Charpie [corenna@chartermi.net]  
Sent: Sunday, May 16, 2004 7:36 AM  
To: John F. Tamburo  
Subject: Fw: [breedmate] Digest Number 592

PLAINTIFF'S  
EXHIBIT  
(32)

More on us.....

----- Original Message -----

From: <breedmate@yahoogroups.com>  
To: <breedmate@yahoogroups.com>  
Sent: Sunday, May 16, 2004 4:33 AM  
Subject: [breedmate] Digest Number 592

> ----- Yahoo! Groups Sponsor ----->  
> Yahoo! Domains - Claim yours for only \$14.70  
> <http://us.click.yahoo.com/Z1wmxD/DREIAA/yQLSAA/ktVolB/TM>  
> ----->

> There are 2 messages in this issue.

> Topics in this digest:

- > 1. RE: Hey guys, come ON....play fair!!  
> From: "mark hagelin" <markhagelin@hotmail.com>
- > 2. RE: Hey guys, come ON....play fair!!  
> From: Katherine Buetow <katwala@cattledog.com>

> Message: 1

> Date: Sat, 15 May 2004 09:11:48 +0000  
> From: "mark hagelin" <markhagelin@hotmail.com>  
> Subject: RE: Hey guys, come ON....play fair!!

> Perhaps Mr John F. Tamburo would like to "Spider" the AKC and see what  
they  
> do.

> The AKC does charge for on-line pedigrees.

> While the data may or may not be free, the information actually belongs to  
> an individual dog's owner and permission should be acquired before the  
data  
> is posted by anyone.

> Permission given to one individual may not necessarily be transferred to  
> another without the original individual's permission.

> Such information may be limited in how it may be used and who may use it  
and  
> for what purpose.

> If individual owners object to the public use of information on their dogs  
> then Mr. Tamburo or anyone else who uses it would have to remove it from  
> public display.

> Information I have acquired for my English Springer Spaniel database was  
> partially free and partially paid for. I bought pedigrees from the AKC's

> online store.  
>  
> Facts may or may not be copyrighted, but individuals who collect facts  
are  
> entitled for the compensation for their labor in collecting such facts  
even  
> if they were "public" knowledge.  
>  
> Every owner/breeder has the right to privacy. They have the right to not  
> have their dog's pedigree on the internet. They own the dog and they own  
> the dog's name. The dog's name is registered to them and not some 3rd  
> party.  
>  
> While Mr Tamburo's "spidering" of data may not necessarily be illegal, it  
> certainly is immoral. It would appear that very few people want to  
> "volunteer" to contribute data, so he has to find other means to collect  
it.  
>  
> Desperate people do desperate things.  
>  
>  
> As for the posting of the e-mail on websites, the public has a right to  
know  
> of Mr Tamburo's need to justify his actions. His use of "spidering" is  
> dangerous. Imagine what would happen if the government used the same  
excuse  
> and "spidered" data off of our computers.  
>  
> Posting of the e-mail should help serve as a warning to people to watch  
out  
> or their data could also be "spidered".  
>  
> ALL consumers have the RIGHT TO BOYCOTT and to encourage others to boycott  
> products/services offered by people like Mr Tamburo.  
>  
> The use of "spidering" is more likely to keep people from posting  
> information for other breeders to use.  
>  
> Since Mr Tamburo wants to get into the legalities, he, nor any company,  
> cannot compel individuals from airing technical problems with any computer  
> programs which they have sold or allowed demos to be downloaded even if  
> people allegedly agreed to not publically criticize the program etc.  
>  
> As long as no source code is revealed, features or the lack thereof, can  
be  
> criticized on how well they work or don't work.  
>  
> Maybe Mr Tamburo grew up in a totalitarian country.  
>  
>  
> BTW It is stated: "You may not reproduce this email in partial form. If it  
> is reproduced in its entirety, with no editing or interleaved commentary,  
> that is permitted."  
>  
>  
> Mark Hagelin  
>  
>  
>  
> >From: "Katherine Buetow" <katwala@cattledog.com>  
> >Reply-To: breedmate@yahoogroups.com  
> >To: breedmate@yahoogroups.com  
> >CC: breedmate@yahoogroups.com  
> >Subject: [breedmate] Hey guys, come ON....play fair!!  
> >Date: Wed, 12 May 2004 11:26:30 -0500 (CDT)  
> >  
> >Hey gang, I forwarded this message (below) from "Mr. T"

> >to this group in GOOD faith so everyone knew what was going  
> >on and we could compare notes.  
> >  
> >I now find it posted on WEBSITES!!!  
> >  
> >Would those of you that have done this, PLEASE take  
> >it off your site....I gave nobody permission to post  
> >it or forward it or the like.  
> >  
> >PLEASE, PLEASE take it down off your sites!!!  
> >  
> >  
> >-----  
> >  
> >Subject: RE: Info mined from cattledog.com  
> >Date: Thu, 6 May 2004 09:55:58 -0500  
> >  
> >You may not reproduce this email in partial form. If it is reproduced in  
> >its entirety, with no editing or interleaved commentary, that is  
> >permitted.  
> >  
> >Ms. Buetow:  
> >  
> >I have received the attached email from you, in which you demand that we  
> >remove all of the Australian Cattle Dogs from our database that you  
> allege  
> >were "stolen" from your database. You threaten "legal action" unless we  
> >comply "at once." Madam, as you are well aware, facts are not subject to  
> >copyright and cannot be owned. This has been the law the world around for  
> >over one hundred twenty years. The Australian Cattle Dog database to  
> which  
> >you allude is a collection of facts. It was neither unlawful nor  
> unethical  
> >for us to include this data in our database. We have customers of TBS.NET  
> >who have Australian Cattle Dogs, and making them type these  
> >uncopyrightable facts over and over is unfair to them.  
> >  
> >Additionally, prior to our spider adding the dogs our customers need, we  
> >had over 3,480 Australian Cattle Dogs from our own Compuped and BXF  
> >databases in our files. Of those 3,480, about 3,300 were in your  
> database.  
> >You have not received a notice to remove "our" dogs, obviously copied  
> from  
> >our databases, from your site. Did you "steal" those dogs from us? No,  
> >because DATA CANNOT BE OWNED.  
> >  
> >Moreover, at the time our robot visited your site, your site had no  
> >"robots.txt" file, nor did any page have any META tag to advise our robot  
> >not to collect the facts from your public database. Absent these tags,  
> >spidering is permitted. In fact, the wording of the web site leads one to  
> >believe that using the site is invited. We have documented these facts.  
> >  
> >Since there was no illegal act, there is no ground for the "legal action"  
> >you threaten. To quote the United States Supreme Court in Feist  
> >Publications v. Rural Telecommunications Corporation, 499 U.S. 340  
> (1991),  
> >"Originality remains the sine qua non of copyright; accordingly,  
> copyright  
> >protection may extend only to those components of a work that are  
> original  
> >to the author." The names, genders, DOB, Color, Registration Number and  
> >other information are not original to you, they are merely facts about  
> >certain dogs. To further quote the Supreme Court: "As applied to a  
> factual  
> >compilation...only the compiler's selection and arrangement may be  
> >protected; the raw facts may be copied at will. This result is neither  
> >unfair nor unfortunate. It is the means by which copyright advances the

```
> >progress of science and art." We have copied nothing copyrightable from  
> >your database.  
> >  
> >Additionally, we have entered other information, such as OFA clearances,  
> >to these animals, and it is technically impossible to separate this  
> >information. You presently have the only Australian Cattle Dog database  
on  
> >the Internet, and the person who told you that we spidered your site has  
> >already contacted an attorney, who has issued an opinion that your site  
> >competes with ours. Assuming for argument that is true, there is an  
> >antitrust defense to the copying that you cannot "hoard" the data to  
> >yourself.  
> >  
> >Therefore, we will not remove the data from TBS .NET. In addition, if  
> >legal action is brought (since you visited TBS. NET, you have agreed to  
> >submit all disputes to arbitration in Chicago per the TBS .NET web site  
> >terms of use), we will present a defense and ask for our costs and  
> >attorney fees to be reimbursed, plus an exemplary sanction, since the  
case  
> >would be frivolous based on long standing law.  
> >  
> >It should be noted that organizing others to mail bomb or phone bomb our  
> >offices is a violation of Federal law; we have received several mail  
bombs  
> >this morning, we demand that this stop now.  
> >  
> >Now, in an effort to assist you, we make you an offer: We offer to host  
> >your database for no charge and open a perpetually zero-cost portal,  
> >saving you the money you presently spend on a web server. You would be  
> >granted zero-cost perpetual access to TBS.NET. Should you accept this  
> >offer, it would take five to seven days to set up the front end. We do  
not  
> >do this as any sort of "admission of guilt," as intimated on another  
breed  
> >list, but rather to show that we are not out to do anything but help our  
> >customers.  
> >  
> >We are not making a profit off "your" data, but rather, we are serving  
our  
> >customers who need accurate data in our program, for which they do pay.  
We  
> >are careful about that which we do, and we made triply sure that we  
> >violated no law when we obtained that which our customers need.  
> >  
> >Please consider our offer and respond accordingly. Best wishes.  
> >  
> >Sincerely,  
> >John F. Tamburo  
> >CEO  
> >  
> >JFT:ww  
> >-----  
> >Katwala Australian Cattle Dogs  
> >http://www.katwala.com  
> >  
> >  
> >  


---

> Check out the coupons and bargains on MSN Offers!  
http://youroffers.msn.com
```





John F. Tamburo

From: Kathi Charpie  
Sent: Monday, May 17, 2004 6:42 PM  
To: John F. Tamburo  
Subject: Breedmate post #4

PLAINTIFF'S  
EXHIBIT  
33

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Msg #  [Go](#)

**From:** "mark hagelin" <[markhagelin@h...](mailto:markhagelin@h...)>

**Date:** Mon May 17, 2004 2:02 pm

**Subject:** RE: Response to your Breedmate posting...

Your are a jerk.

[Promote](#)

But there is a way to deal with jerks like you.

☆ = Owner

☆ = Moderator

☺ = Online

As an American I have the right to freedom of speech and part of the speech protected by the United States Supreme Court, is to BOYCOTT your company and to encourage others to do the same.

You forget a truism in business "Word of Mouth either MAKES or BREAKS a business."

I don't know you, I don't want to know you.

All you are doing is limiting what people are willing to post for data. I have a spaniel database approaching 100,000 names.

Since you like the "spider" and then sell databases, I won't post it.

Your 'BIG BROTHER' tactics will backfire.

I have a number of Yahoo groups which I subscribe to having to do with canines, and can and will put out the word to BOYCOTT your company.

I've tried your software, and in my opinion, it's not very good.

I am going to contact my United States Senator about your company's actions to see if the Department of Justice will take any action.

I beleive that your company is trying to create a monopoly and is starting to hoard data to use exclusively on your software.

You avoid the privacy issues of the data. Just because a dog is registered, doesn't mean you have any right to the information.

That right remains between the AKC or other group and the individual.

Until this came along, I never knew about "spidering" tecnology. I am sure that my Senator would frown apon its use to retreive data that others have put the time in to collect.

I seriously doubt any data was put there for someone to make a profit of off. So in that regard it is in the PUBLIC domain and you cannot charge for it.

It was put out for private/public, non-commercial use.

The asiest thing to do is to get people to BOYCOTT ALL OF YOUR SOFTWARE.

As an Ameican, I reserve the right to freedom of speech. And if the speech of ours hurts your business, oh well. Americans can be very unforgiving sometimes.

You need the consumers out there more than they need you..

I use a number of pedigree database programs and yours is not one of them. Someone would have to pay me to use it.

So what will you do sue me?

I have the right to my opinion. If you don't like it tough.

We sold a puppy to our state's governor, so I don't have a problem bending his ear to the issue.

If you get the wong people mad at you then you will have to deal with the consequences, political, legal economic.

I have the right to BOYCOTT your software and to encourage others to do so.

Since nothing has been said limiting my ability to disclose your e-mail, it is being shared with others.

Mark Hagelin

```
>From: "John F. Tamburo" <johntam@m...>
>To: <markhagelin@h...>
>Subject: Response to your Breedmate posting...
>Date: Mon, 17 May 2004 12:06:43 -0500
>
> > Date: Mon, 17 May 2004 01:45:58 +0000
> > From: "mark hagelin" <markhagelin@h...>
> > Subject: Re: Hey guys, come ON....play fair!!
> >
> > If you engage in shows, what you say is true.
> >
```

Message

> > But what about the owner of the sire and dam? Don't they have a right  
>to  
> > privacy?  
>  
>Not if they register the animals.  
>  
> > I had a breeder I know do a 3 way call so I could send her friend  
>pedigree  
> > info.  
> >  
> > I do not hoard the info, but some of it is the fruit of my labor.  
> >  
> > The English Springer Spaniel Field Trial Association has a book with  
> > pedigree info in it, but no one to my knowledge has taken the time to  
> > enter the pedigree info into the computer.  
> >  
> > Many of the spaniel breeds have overlap, and many of the singular  
> > databases do not handle the overlap.  
>  
>Thanks for pointing that out. We will research this for .NET.  
>  
> > I would not want someone who does not have the initiative to hand  
> > enter data to reap the blessings of my work because I will hand  
> > enter the data.  
>  
>Then do not offer it to the world for free. Otherwise, others are free  
>to reap the facts for their benefit.  
>  
> > I earned my cocker database by manually adding enough names to get it.  
> > I can offer a suggestion on how to keep the "spidering" from  
>happening.  
> > Limit access to those people who acquired a user name and password  
> > from you and have them agree to some sort of non-disclosure agreement  
> > or other agreement limiting how they can use the data.  
>  
>You are on the right path, but robot exclusion headers are quite enough  
>to  
>protect hoarders from spidering programs.  
>  
> > As for Mr Jerk, he may not be sued for "public knowledge", but he can  
>be  
> > sued for the time someone has put into it.  
>  
>Not if the database was made available to the public for its use at no  
>charge.  
>  
> > Anyone who has done a Freedom of Information Act request usually has  
> > to pay for the cost of the pages if they are over a certain number.  
>  
>Not the same thing. That is a reimbursement for the cost of paper and  
>Toner and the like, not for the data itself.  
>  
> > Getting a copy of court records also has a per page cost.  
>  
>Again you feed quarters into the copy machine. Not the same thing.  
>  
> > A bill should be sent for the number of man hours used to collect the  
> > "public data" to anyone who "spiders" it.  
>  
>You can't offer it for free to the public and then say after the fact  
>that spider X has to pay for it.  
>  
> > I have no problems answering requests for information, but I wouldn't  
>want

Message

> > someone to steal it from me.  
>  
>Stealing is theft. None of the defendants were deprived of the  
>possession of anything. There was no theft.  
>  
>Sincerely  
>John Tamburo aka Mr. Jerk

---

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John F. Tamburo

From: Steve Dworkin [steve@thedworkins.com]  
Sent: Monday, May 10, 2004 9:52 PM  
To: John F. Tamburo  
Subject: MBFS

PLAINTIFF'S  
EXHIBIT

34

John;

Much has taken place over the past week as hundreds of dog based lists discussed and reacted to your actions. I have been asked to contact you in a last effort to resolve this conflict.

Those of us using the Alfirin based programs to make FREE websites available have had to make many changes re security. As well, I'm sure that with the many e-mails and cancellations that you have received, you and your company have not been pleased with the adverse public reaction...

Many of the dog lists are asking what is the current situation and has MBFS removed the offending (harvested) data from their site.

I know that you insist that you are not selling data, but simply a program to access the data... that is just a play on words and many people on the various lists find it insulting...

I had asked you once before to remove the offending harvested data, and I will now ask you once again to remove it from your database.

You claim that you have over 200 breeds on your site with only 14-15 containing harvested data... It would be a very simple matter for you to remove the data from those 14-15 and re-establish those breeds from your CompuPed data. After all the CompuPed Keeshond database held only 1200 names....

IF ... you do agree to remove the offending data, as you have agreed to not harvest further data from Free websites, then in fairness, I as well as many others on the various breed group lists will do our utmost to let people know that you are being fairminded and that your MBFS program is a fair and valid commercial venture that makes a very legitimate contribution to the world of canine genelology/pedigrees....

- -  
Steve and the Furbeasts  
Chipper Jones, Gypsy Rose  
Ottawa, Ontario  
Pedigree/Littermate/Breeding website database  
<http://www.keesdog.com>

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PLAINTIFF'S  
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Reply | Reply All | Forward | Delete | Block | Junk | Put in Folder | Print View | Save Address

From : <shadowoodkeskip@aol.com>  
Reply-To : Schipperke@yahoogroups.com  
Sent : Tuesday, May 18, 2004 6:09 PM  
To : Schipperke@yahoogroups.com  
Subject : Re: [Schipperke] Fwd: The Newsletter by Man's Best Friend Software, Issue 181

Haven't they tho? Our Kees man Steve Dworkins had been fighting them for two weeks before he raided the Bonchien site. I will continue to let them send me the newsletter just in case the criminal says something we might be able to use in our fight.  
Sandi

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- To visit your group on the web, go to:  
<http://groups.yahoo.com/group/Schipperke/>
- To unsubscribe from this group, send an email to:  
[Schipperke-unsubscribe@yahoogroups.com](mailto:Schipperke-unsubscribe@yahoogroups.com)
- Your use of Yahoo! Groups is subject to the Yahoo! Terms of Service.



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**John F. Tamburo**

**From:** John F. Tamburo  
**Sent:** Tuesday, June 08, 2004 11:56 AM  
**To:** Charles Lee Mudd Jr., Esq.  
**Subject:** Apology as to inaccurate facts in previous email...  
**Importance:** High

PLAINTFF'S  
 EXHIBIT  
 36






06-08-04 11:45CDT

Dear Mr. Mudd,

As of today, the following web sites translate as follows:

[www.bonchien.com](http://www.bonchien.com) (Henry): 64.71.179.119  
[www.patriotgold.com](http://www.patriotgold.com) (Mills): 207.142.136.174  
[www.cavaliersonline.com](http://www.cavaliersonline.com) (Hayes): 207.142.133.8  
[www.keesdog.com](http://www.keesdog.com) (Dworkin): 216.251.43.11  
[www.breedmate.com](http://www.breedmate.com) (Wild): 66.46.105.7

And these IP addresses are served at these addresses according to official records:

IP Address	Country (Short)	Country (Full)	Flag	Region	City	ISP
64.71.179.119	US	UNITED STATES		NEW YORK	BUFFALO	MOTIVATIONAL MARK
207.142.136.174	US	UNITED STATES		FLORIDA	SAFETY HARBOR...	MONSTER P
207.142.133.8	US	UNITED STATES		MASSACHUSETTS	BOSTON	FLORIDA N
216.251.43.11	US	UNITED STATES		FLORIDA	FORT LAUDERDALE	INTERNETNAMESFORE
66.46.105.7	CA	CANADA		ONTARIO	TORONTO	ALLSTREAM CORP. CORPOI

Therefore I apologize for my misstatement. Mr. Dworkin's web site is hosted not in Canada, but here in the USA. [REDACTED]  
 [REDACTED] Only Wild's site is hosted in Canada.

Sincerely,  
 John F. Tamburo

John F. Tamburo

From: Kristen [klhnry@bonchien.com]  
Sent: Wednesday, May 05, 2004 3:08 PM  
To: Schipperke@yahoogroups.com  
Subject: RE: [Schipperke] RE: Stolen Pedigree Databases

PLAINTIFF'S  
EXHIBIT  
(37)

Exactly, this guy is totally missing the point.

Well, we have a few ideas. The court of public opinion is a powerful thing...

Kristen

At 01:01 PM 05/05/2004, you wrote:

And OJ didn't do anything wrong either in his mind.

---

Yahoo! Groups Links

- To visit your group on the web, go to:
- <http://groups.yahoo.com/group/Schipperke/>
- 
- To unsubscribe from this group, send an email to:
- [Schipperke-unsubscribe@yahoogroups.com](mailto:Schipperke-unsubscribe@yahoogroups.com)
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