

1 PLAINTIFF:
2 Brian K. Carter Pro Se Litigant
3 17 Overlook Court Fairfield Ohio 45014
4 Tele: (513)942-1468
5 Email: Vahm9@fuse.net

DEFENDANT:
Oath Holdings Inc.
701 First Ave. Sunnyvale
California 94089
Tele: (408) 349-3300
Attn Defendant Legal Counsel
Ryan Bricker,
Darius Samerotte
Two Embarcadero Center
Suite 1900 San Francisco
CA 94111

6 **FILED**
7
8 SEP 27 2018
9 SUSAN Y. SOONG
10 CLERK, U.S. DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

14 BRIAN K. CARTER,
15 PLAINTIFF,
16
17 vs.
18 OATH HOLDINGS INC,
19
20 DEFENDANT,

Case No 17-cv-07086 - KAW
Title: PLAINTIFF FAILURE TO
ENTERTAIN DEFENDANT
NON-SENCE ON SEPTEMBER
27, 2018

HON. JUDGE KANDIS A.
WESTMORE

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22
23 **1. BACKGROUND – CASE HISTORY**

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25 I) Plaintiff – Brian K Carter acting Pro-Se litigant did not bring an instant case
26 against Oath Holdings Inc. The current case listed under the above caption has
27 been ongoing since March 29, 2016. This case began in the Superior Court of
28 California case no. 16-cv-293308 PHK- MEA Title: Brian K. Carter v. Yahoo
Incorporate Case No. 16-cv-293308. The Plaintiff is the owner of

1 United States Patent Trademark Office (USPTO), Principle Register Service
2
3 Mark, The House of Figurine Sculptures com.

4
5 II) Plaintiff's exclusive rights are protected under Federal law. Plaintiff's
6
7 (USPTO) Certificate is attached to the original complaint filed in the Superior
8
9 Court of California, this case is currently the same case before U.S. District
10
11 Court under new ownership of Yahoo! Inc... and the alleged two counterfeit
12
13 marks shown depicting images on Yahoo Web Search Engine, that were
14
15 described, listed, and indicated on the cover page of (Exhibit C) also in
16
17 Plaintiff's original complaint filed March 29, 2016 (pg. 4, paras. 4, 5 and 6),
18
19 Again this is the exact same case in United States District Court currently
20
21 under case title: Brian K. Carter now new ownership of the alleged counterfeit
22
23 marks vs. Oath Holdings Inc. as of December 17, 2017 before residing Hon.
24
25 Judge KAW in the case no. 17-cv-07086-KAW as of June 21, 2018.

26
27 **1 DISCUSSION**

28 I) Defendant Oath Holdings Inc., presumably has the impression that the
purchase of the two alleged counterfeits mark in the Plaintiff case grant the
new Defendant Oath Holdings Inc., legal entitlement and rights as if Oath
Holding Inc is the original Defendant in the Plaintiff's case, when first

1 filed March 29, 2016.
2

3 II) Defendant Oath Holdings Inc., purchase of the two alleged counterfeits
4 marks through the purchase of Yahoo Operating System, presumably grant
5 Defendant Oath Holdings Inc. legal rights in Plaintiff case through Oath
6 Holdings Inc. unlawful and illegal purchase of the two alleged counterfeits
7 marks during court proceeding. Defendant Oath Holdings Inc. purchase does
8 not grant any legal rights and/or legal privileges in the case that had not
9 been adjudicated prior to Oath Holdings Inc. illegal purchase.
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16 III) Defendant Oath Holdings Inc. purchased the two alleged counterfeit
17 marks effective June 13, 2017 [ECF No. 17, pg. 3, paragraph 1] through the
18 purchase of Yahoo Web Search Engine (Yahoo operating system) during
19 court proceedings. The original Defendant Yahoo! Inc., when the Plaintiff case
20 had been filed March 29, 2016 did not have legal authorization to sale
21 anything with the likeness derived from Plaintiff principle register service mark
22 to the "NEW" Defendant Oath Holding Inc. effective June 13, 2017.
23
24
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IV) Therefore, Oath Holdings Inc made an illegal purchase of two alleged
counterfeit marks from Yahoo! Inc. Yahoo! Inc. did not have authorization to
sale anything derived from Plaintiff principle service mark to Oath Holdings

1 Inc effective June 13, 2017.

2
3 III) The two alleged counterfeits marks in question before a court of law did
4
5 have an official ruling on behalf of federal district judge in the Plaintiff current
6
7 case prior to Defendant Oath Holdings Inc purchase of Yahoo Operating
8
9 system that include two counterfeits mark derived from a federal principle
10
11 register mark. Defendant – Oath Holdings Inc. purchase two alleged
12
13 counterfeit marks effective June 13, 2017. Plaintiff's exclusive right is protected
14
15 federal law the day of the United States patent Trademark Office approval of
16
17 Plaintiff's Principle Registration Application on November 10, 2009. Plaintiff
18
19 case had not been adjudicated prior to Oath Holdings Inc. purchase of the
20
21 alleged two counterfeit marks on Yahoo Web Search Engine via Yahoo
22
23 Operating System.

24
25 IV) The U.S District Court continues to entertain the notion, the new
26
27 Defendant Oath Holdings Inc. acquired legal rights through an illegal purchase
28
of two alleged counterfeit marks that represent stolen Intellectual property
taken from the rightful owner and belong solely to the Plaintiff - Brian K.
Carter in the current case. Plaintiff's federal legal rights remain active and
enforceable during court proceedings.

LEGAL CONCEPT

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2
3 The new Defendant Oath Holdings Inc. effective June 13, 2017 purchased
4
5 two alleged counterfeit marks derived from the Plaintiff Principle register mark
6
7 on Yahoo Web Search Engine via Yahoo Operating systems. Defendant Oath
8
9 Holdings Inc continue to file motion after motion in a U.S. District Court with
10
11 notion Oath Holdings Inc illegal unauthorized purchase from Defendant -
12
13 Yahoo! Inc at the time the case had been filed March 29, 2016, grants and
14
15 entitle Oath Holdings Inc legal rights from Oath Holdings Inc. unlawful an
16
17 illegal sale and purchase transaction.

18 D) Original Defendant Yahoo! Inc did not have authorization to sale anything
19
20 derived from the Plaintiff's principle register mark to Oath Holdings Inc.
21
22 effective June 13, 2017. Oath Holdings Inc purchase of anything with the
23
24 likeness of Plaintiff legal federal register mark and derived from the federal
25
26 principle mark had been purchased unlawfully and illegally during court
27
28 proceedings. Defendant -Yahoo! Inc did not have illegal authorization to sale
anything derived from Plaintiff federal principle register mark to the new
Defendant Oath Holdings Inc.

1
2 II) The Plaintiff should not be forced, to continue onward in the case, when a
3
4 the new Defendant Oath Holdings Inc. is a third party whom unlawfully
5
6 purchased two alleged counterfeit mark from Defendant Yahoo! Inc during
7
8 court proceedings. Defendant Oath Holdings Inc motions should have never
9
10 been entertained by the court because Oath Holdings Inc purchased the two
11
12 alleged counterfeit marks were purchased through an illegal unlawful sale
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14 transaction.

14 Respectfully Submitted,

15 
16 _____

16 Date 9-26-2018

17 Plaintiff Brian K Carter Pro Se
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PROOF OF SERVICE

I hereby certify and declare under penalty of perjury that the following statements are true and correct,

1. I am over the age of 18 years and not a party to the within cause, my current address is 17 Overlook Court Fairfield Ohio 45014.


2. I am familiar with United States Postal Services overnight express practices, know that said mail is deposited with the appropriate overnight delivery or United States Postal Services on the day it is process for delivery.

3. Following the United States Postal Service practice, by placing it in an address, seal envelop and depositing it with an overnight delivery service to the following;

To: The Law Firm of Kilpatrick Townsend & Stockton LLP
Attn: Ryan Bricker and Darius Samerotte
at Two Embarcadero Center, Suite 1900
San Francisco CA 94111

Date

9/26/2018



Kyle Anderson

CERTIFICATE OF SERVICE

I hereby certify and declare under penalty of perjury that the following statements are true and correct,

1. I am over the age of 18 years and not a party to the within cause, my current address is 17 Overlook Court Fairfield Ohio 45014.

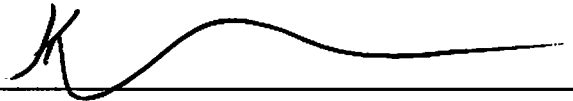
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9/26/2018

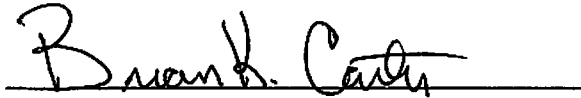


Kyle Anderson

DECLARATION OF PERJURY

I Brian K. Carter Plaintiff declare the forgoing information is true and accurate to the best of knowledge under penalty of perjury the laws of United States of America.

Date 9-26-2018

A handwritten signature in black ink, appearing to read "Brian K. Carter", is written over a horizontal line.

Plaintiff – Brian K. Carter - Pro Se

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