

14. This action has been filed to combat online trademark infringers who trade upon Plaintiff's reputation and goodwill and valuable intellectual property by selling and/or offering for sale unauthorized and infringing versions of the NASCAR Products in violation of Plaintiff's federally registered trademarks.

15. Plaintiff NASCAR is the registered owner of U.S. Trademark Registration Nos. 1,850,527; 1,908,112; 2,885,737; 4,289,440; 5,388,088; 5,578,788; and 6,196,869 (the "NASCAR Marks").

Trademark	Registration No.	Goods Covered
	1,850,527	CLASS 6: key chains and license plates of common metals; CLASS 9: scientific apparatus; namely, sunglasses and walkie talkies; CLASS 14: precious metals; namely, silver medallions, pins, and wrist watches; CLASS 16: paper articles; namely, bumper stickers, calendars, counter units for trading cards, decals, book covers, memo pads, pens, pencils, mounted photographs, decals, trading cards, graphic applications for automobiles, trading card albums; CLASS 18: leather and leather imitations; namely, back packs, credential holders, wallets, and luggage; CLASS 21: household utensils; namely, mugs, shot glasses, drinking glasses, decanters, and plastic sport bottles; CLASS 24: textile goods; namely, beach towels, blankets, cloth banners, laminated banners, laminated signs;

Trademark	Registration No.	Goods Covered
	6,196,869	CLASS 25: Clothing, namely, caps, hats, baseball hats, headwear, visors, tops, collared shirts, sports shirts, golf shirts, t-shirts, tank tops, sweaters, sweat-shirts, jackets; CLASS 41: Entertainment services, namely, conducting motorsports racing events; regulating, governing, and sanctioning motorsports racing events; providing an online database featuring news and information regarding motorsports via computer information networks, global networks and wireless networks; entertainment services, namely, programs featuring motorsports racing and news, information, and developments regarding motorsports racing, all rendered through television and radio;

16. The federal registrations for the NASCAR Marks are valid, subsisting, unrevoked, uncanceled, and incontestable pursuant to 15 U.S.C. § 1065. The registrations constitute prima facie evidence of the validity of the NASCAR Marks, Plaintiff's ownership thereof, and Plaintiff's exclusive right to use the NASCAR Marks in commerce pursuant to 15 U.S.C. § 1057(b).

17. True and correct copies of the registration certificates for the NASCAR Marks are attached as Exhibit 1 and are incorporated herein by reference.

18. The NASCAR Marks have been the subject of substantial and continuous marketing and promotion by Plaintiff. Plaintiff has and continues to widely market and promote the NASCAR Marks in the industry and to consumers. Plaintiff's promotional efforts include — by way of example, but not limitation — substantial print media, the NASCAR website and social media sites, and point of sale materials.