

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

KB HOME, a Delaware corporation,

Plaintiff,

V.

ANDREW SMITH; DANIEL KOEHLER;
PATRICK MCGETTIGAN; WILLIAM
CRISMON; and ARMANDO OYOLA-
DELGADO,

Defendants.

Case No.: 8:13-cv-02644-JDW-EAJ

**AMENDED COMPLAINT FOR DAMAGES, INJUNCTIVE RELIEF, AND
TRANSFERRED OWNERSHIP OR CANCELLATION
OF INFRINGING DOMAIN NAME**

Plaintiff, KB Home (“KB Home” or “Plaintiff”), sues defendants, Andrew Smith (“SMITH”), Daniel Koehler (“KOEHLER”), Patrick McGettigan (“MCGETTIGAN”), William Crismon (“CRISMON”), and ARMANDO OYOLA-DELGADO (“DELGADO”) (collectively, the “Defendants”), and, files its Amended Complaint and in support, states as follows:

NATURE OF THE ACTION

1. This is an action based on violations of the Anti-Cybersquatting Consumer Protection Act (“ACPA”) and the Electronic Communications Privacy Act (“ECPA”), both of which arise under federal law.

2. This is also an action based on civil conspiracies among Defendants and others to carry out violations of the ACPA and ECPA under Florida common law.

PARTIES

3. Plaintiff KB Home is a Delaware corporation that maintains its principal place of business in Los Angeles, California.

4. Defendant SMITH is a Florida citizen who is domiciled at 8613 Majestic Elm Court, Lakewood Ranch, Florida 34202.

5. Defendant KOEHLER is a Florida citizen who is domiciled at 7330 Black Walnut Way, Lakewood Ranch, Florida 34202.

6. Defendant MCGETTIGAN is a Florida citizen who is domiciled at 8745 Spruce Hills Court, Lakewood Ranch, Florida 34202.

7. Defendant CRISMON is a Florida citizen who is domiciled in the State of Florida.

8. Defendant DELGADO is a Florida citizen who is domiciled in the State of Florida.

9. All conditions precedent to this action have been performed, waived, or excused.

10. KB Home retained the undersigned attorneys to represent it in this action and agreed to pay its attorneys a reasonable fee for their services.

JURISDICTION

11. The Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1338(a) because KB HOME's claims for violations of the ACPA, 15 U.S.C. § 1125(d), arise under

federal law and 28 U.S.C. § 1331 because KB Home's claims for violations of the ECPA, 18 U.S.C. § 2511 *et seq.*, arise under federal law. This Court also has supplemental jurisdiction pursuant to 28 U.S.C. § 1367 because KB Home's state law conspiracy claims are so related to the federal claims that they form part of the same case or controversy.

VENUE

12. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(a) and (b), because the Defendants are domiciled in this District, and because a substantial part of the events giving rise to the claims herein occurred in this District.

FACTUAL BACKGROUND



13. Since its founding in 1957, KB Home has built over half a million residential homes throughout the United States. KB Home is one of the largest and most recognized homebuilders in the nation, and its stock is publically traded on the New York Stock Exchange.

14. Since 1974, KB Home has referred to itself as, and promoted itself with, the KB name and trademark, and has been known throughout the United States in the real estate development industry, the financial community, and the general public by the KB name and trademark. KB Home has often been referred to in professional business magazines, investor publications, real estate trade journals, and nationally distributed publications by the KB name and trademark.

15. Because of KB Home's size and the extent of publicity that it regularly receives, during the 1970s, 1980s, and since, the industry and general public came to associate KB, as that name and mark was used in connection with residential real estate

development and home building services, with KB Home. Accordingly, KB is KB Home's proprietary trade name and service mark.

16. In January 2001, KB Home adopted the KB HOME trademark as its official corporate name. KB Home also adopted and began using the following design forms of KB

HOME:  and . The official adoption of the KB HOME name has been accompanied by a major investment in advertising and promotional activities throughout the United States, including television, radio, Internet and newspaper advertisements, featuring the KB HOME name and mark.

17. In addition to extensively advertising the KB Home Marks (as hereinafter defined) in television, radio, and print media, KB Home maintains an interactive website on the Internet. The website can be accessed under the "KBHome.com" domain name, which is extensively advertised.

18. The KB Home Marks are arbitrary, fanciful, and inherently distinctive.

19. As a result of KB Home's longstanding and extensive use of the KB Home Marks in connection with its business, and as a result of widespread advertising and promotion of its services, the KB Home Marks have acquired a high degree of recognition, fame and distinctiveness throughout the United States, including Florida, as a symbol of quality and value in the field of residential real estate construction and development. The KB Home Marks are strong and deserving of a broad scope of protection against the use of confusingly similar marks, and are of great value to Plaintiff.

20. KB Home owns and has used the registered trademarks identified below:

a. Incontestable United States Trademark Registration No. 2,706,002 for the “KB” typed service mark used in construction services, namely, planning, laying out, and construction of residential communities; construction of single family and multiple family dwelling units; real estate development, in International Class 37, issued on April 15, 2003 and based on a first use date of March 1974;

b. Incontestable United States Trademark Registration No. 2,768,634 for the “KB HOME” design service mark used in construction services, namely, planning, laying out and construction of residential communities; construction of single family and multiple family dwelling units; real estate development, in International Class 37, issued on September 30, 2003 and based on a first use date of January 17, 2001;

c. Incontestable United States Trademark Registration No. 2,832,387 for the “KB HOME” typed service mark used in construction services, namely, planning, laying out and construction of residential communities; construction of single family and multiple family dwelling units; real estate development, in International Class 37, issued on April 13, 2004 and based on a first use date of January 17, 2001;

d. Incontestable United States Trademark Registration No. 2,749,283 for the “KB HOME” design service mark used in construction services, namely, planning, laying out and construction of residential communities; construction of single family and multiple family dwelling units; real estate development, in International Class 37, issued on August 12, 2003 and based on a first use date of January 17, 2001; and

e. Incontestable United States Trademark Registration No. 2,825,554 for the “KB HOME” typed service mark used in mortgage lending and escrow services in

connection with the construction and brokerage of single family and multiple family dwelling units, in International Class 36, issued on March 23, 2004 and based on a first use date of March 6, 2002.

21. KB Home's aforementioned trademarks (the "KB Home Marks") constitute the lawful, valued, subsisting, and exclusive property of KB Home, and, as a result of the high quality of KB Home's products, services, sales, promotion, and advertising thereof, the KB Home Marks have become an intrinsic and essential part of the valuable goodwill and property of KB Home, and are well known and established to consumers and the trade as symbols identifying and distinguishing KB Home's products and services. True copies of the certificates of registration issued by the United States Patent and Trademark Office for the KB Home Marks are attached hereto as **Composite Exhibit "A."**

22. KB Home filed affidavits pursuant to sections 8 and 15 of the Lanham Act, 15 U.S.C. §§ 1058 and 1065, making the KB Home Marks incontestable. True copies of the declarations of incontestability are attached hereto as **Composite Exhibit "B."**

23. KB Home conducts business on the Internet through its website, "KBhome.com."

24. On or about June 23, 2012, SMITH registered the domain name "thekbhome.com," which is confusingly similar to the KB Home Marks. The domain name "thekbhome.com" is also confusingly similar to the domain name "kbhome.com" used on the website by KB Home in the regular course of its business. When SMITH registered the domain name "thekbhome.com," he knew that KB Home had a famous and distinct trademark in the name "KB Home," which was associated with its business.

25. On or about August 10, 2012, SMITH registered “kbhomewillowbrook.com” domain name, which is confusingly similar to the KB Home marks and incorporates the name “Willowbrook” - the name of the KB Home development where SMITH lived at relevant times hereto. When SMITH registered the “kbhomewillowbrook.com” domain name he knew KB Home had a famous and distinctive trademark in the name “KB Home” and a development named “Willowbrook” associated with its business.

26. SMITH has also registered with a bad faith intent to profit the following domain names which are confusingly similar to KB Home trademarks and some of which also include KB Home’s symbol used on the New York Stock Exchange “KBH”:

- a) “thekbhomes.com”;
- b) “kb-homes-lawsuits.com”;
- c) “kbhinvestorsbeware.com”;
- d) “kbhomeforlosures.com; e) “kbhomestock.com”;
- f) “kbhstock.com”;
- g) “kbhsucks.com”;
- and j) “nysekbh.com.”

27. KB Home was the original developer and general contractor of Willowbrook, a condominium complex in Manatee County, Florida.

28. KB Home is paying Dueall Construction, Inc. (“Dueall”), an independent contractor selected by the condominium association, to make extensive repairs to homes at Willowbrook. To date, KB Home has already paid Dueall millions of dollars for these repairs, and it is anticipated that KB Home will incur additional millions of dollars in repair costs to complete repairs at Willowbrook.

29. Defendants have all resided at Willowbrook at some time and have all owned units in Willowbrook.

ATTEMPTS TO COMPEL KB HOME TO BUY-BACK WILLOWBROOK UNITS

30. SMITH, KOEHLER, MCGETTIGAN, CRISMON, and some other current or former Willowbrook residents have repeatedly demanded that KB Home to buy-back the units they owned at original purchase prices, and pay them other alleged damages and costs.

31. SMITH and KOEHLER in concert with MCGETTIGAN, CRISMON, DELGADO and others have improperly used and trafficked in KB Home Marks in the domain name at “thekbhome.com” to divert traffic from KB Home, to disparage it, damage its reputation, drive down its stock value, and otherwise cause harm to KB Home as part of a scheme to profit.

32. SMITH and KOEHLER have been co-administrators of the website at “thekbhome.com.” SMITH is employed in the information technology field.

33. At material times after the registration of the kbhome.com, SMITH and KOEHLER used “thekbhome.com” domain name to operate a website devoted to disparaging KB Home’s business reputation, criticizing the quality of KB Home construction, discouraging prospective buyers from purchasing homes developed by KB Home, and attempting to drive down the value of KB Home stock all with the bad faith intent to profit, by attempting to coerce KB Home into buying back their Willowbrook condominiums or otherwise paying them valuable consideration.

34. SMITH and KOEHLER in concert with MCGETTIGAN, CRISMON, DELGADO and others have trafficked in “theKBHome.com” domain name with bad faith intent to profit by attempting to coerce KB Home into buying back their Willowbrook units

or otherwise paying valuable consideration in exchange for sale or transfer of “theKBHome.com” domain name and website.

35. On or around August 6, 2012, SMITH, KOEHLER, MCGETTIGAN, and other Willowbrook homeowners engaged in an organized letter writing campaign to KB Home executives and government officials demanding that KB Home: a) buy-back their homes at their purchase price; b) reimburse them for all closing costs, improvements, and moving expenses; and c) pay an additional percentage of their homes’ values for alleged but unspecified health-related issues.

36. KOEHLER subsequently offered for sale to KB Home executives the website using the domain name “thekbhome.com.”

37. SMITH and KOEHLER have used the infringing domain names and associated website with a bad faith intent to profit as expressed in various communications with KB Home that either state, suggest, or imply that the infringing domain name and associated website would be sold or exchanged for valuable consideration.

USE AND DISCLOSURE OF INTERCEPTED EMAILS TO AND FROM DUEALL’S COMPUTERS

38. Dueall maintained a construction trailer at Willowbrook at all times material hereto, from which its employees supervise repair efforts at Willowbrook. Dueall maintains computers (the “Dueall Computers”) in its construction trailer. The Dueall Computers use a mobile, password-protected hotspot to access the internet (the “WiFi Hotspot”).

39. At all times material hereto, Shawn Seiler (“Mr. Seiler”) was a project manager employed by Dueall who maintained an office in Dueall’s construction trailer, and used a Dueall computer located in the trailer.

40. CRISMON, a former Willowbrook homeowner who registered and operated his own disparaging website of KB Home and is employed as an information technology professional, instructed Defendants, including MCGETTIGAN and others, on how to intercept emails to and from the Dueall Computers by hacking into and gaining access to the WiFi Hotspot.

41. At all times material hereto, MCGETTIGAN and others working with the Defendants, resided in homes in close proximity to the Dueall construction trailer, giving them access to hack into the Dueall computer generated WiFi Hotspot.

42. On May 3, 2013, MCGETTIGAN, KOEHLER, and other residents of Willowbrook were conversing outside the Dueall trailer after following Dueall employees around the property earlier that day. MCGETTIGAN was in possession of a two-inch thick stack of papers at the time. MCGETTIGAN, while holding the stack of papers, then approached Dueall's President, Salvatore Ventimiglia ("Mr. Ventimiglia"). MCGETTIGAN displayed and read to Mr. Ventimiglia confidential email correspondence between Dueall and KB Home, and questioned Mr. Ventimiglia about the email correspondence. The confidential email correspondence was sent over the Internet and never provided to MCGETTIGAN (or any other Willowbrook resident) by KB Home or Dueall. After leaving the trailer MCGETTIGAN gave the stack of papers including the intercepted e-mail to KOEHLER. MCGETTIGAN, KOEHLER, CRISMON and DELGADO later met to discuss the intercepted e-mails.

43. Upon information and belief, MCGETTIGAN, with help from Defendants and other Willowbrook residents, obtained intercepted confidential email correspondence to and from the Dueall Computers between KB Home and Dueall.

44. Plaintiff has suffered damages as a result of harm to its business reputation and relationships and infringement of its marks due to the acts of the defendants.

COUNT ONE

Violation of Anti-Cybersquatting Consumer Protection Act *15 U.S.C. §1125 (d)(1)(A)*

45. KB Home reasserts the allegations set forth above as though fully set forth herein.

46. KB Home has continuously owned and used the KB Home Marks in connection with marketing, sales, and provision of residential home construction services and mortgage lending since 2004 and has filed affidavits pursuant to sections 8 and 15 of the Lanham Act, making the KB Home Marks incontestable. *See* Composite Exhibits “A” and “B.”

47. SMITH registered the following domain names with the bad faith intent to profit from their registration and use: a) “thekbhome.com”; b) “thekbhomes.com”; c) “kb-homes-lawsuits.com”; d) “kbhinvestorsbeware.com”; e) “kbhomeforlosures.com”; f) “kbhomestock.com”; g) “kbhomewillowbrook.com”; h) “kbhstock.com”; i) “kbhsucks.com”; and j) “nysekbh.com.”

48. SMITH and KOEHLER have used KB Home Marks in the domain name “thekbhome.com” to divert and confuse customers looking for KB Home’s website to their website dedicated to disparaging KB Home’s business reputation, discouraging prospective

homeowners from purchasing homes developed by KB Home, and driving down the value of KB Home stock all in order to obtain leverage and coerce KB Home into paying valuable consideration to them.

49. The domain name “thekbhome.com” and other domain names registered by SMITH identified herein, are identical or confusingly similar to the KB Home Marks, which were valid, distinctive, incontestable, famous, and exclusively associated with KB Home before the infringing domain names were registered.

50. The domain name “thekbhome.com” is confusingly similar to KB Home trademarks and calculated to steer prospective homebuyers away from, “KBhome.com,” the legitimate website used by KB Home to conduct business over the Internet.

51. SMITH and KOEHLER had a bad faith intent to profit from the registration use and trafficking in “thekbhome.com” domain name by using the domain name and website at the domain name as leverage to coerce KB Home into buying back their units at Willowbrook or otherwise to paying them valuable consideration in exchange for termination or sale of the websites using the infringing domain names.

52. SMITH and KOEHLER’s conduct was intentional, malicious, and willful.

53. Neither SMITH nor KOEHLER: a) possess any rights in the KB Home Marks, b) are identified by names containing the KB Home Marks, or c) have previously used “thekbhome.com” domain name in connection with bona fide offerings of goods or services.

54. SMITH and KOEHLER have used “thekbhome.com” domain name and associated website with the intent to divert customers away from KB Home’s legitimate

website and to harm KB Home's goodwill in the KB Home Marks by creating a likelihood of confusion as to the source of the website associated with "thekbhome.com" domain name.

55. SMITH and KOEHLER have expressly and impliedly offered to transfer, sell, or otherwise assign the websites using the infringing domain names to KB Home for financial gain without intending to use the infringing domain name in connection with commercial offerings of goods or services.

56. SMITH and KOEHLER's actions constitute cyber-squatting infringement of the KB Home Marks in violation of 15 U.S.C. § 1125.

57. Accordingly, KB Home, as the owner of the KB Home Marks, seeks the following relief from SMITH and KOEHLER pursuant to 15 U.S.C §§ 1116, 1117 and 1125: a) an injunction barring them from registering, using, or trafficking in any domain name that is confusingly similar to the KB Home Marks; b) forfeiture or cancellation of domain names: "thekbhome.com"; kbhomewillowbrook.com"; "kb-homes-lawsuits.com"; "kbhinvestorsbeware.com"; "kbhomeforclosures.com"; "kbhomestock.com"; "kbhstock.com"; "kbhsucks.com"; nysekbh.com"; "thekbhomes.com," and their transfer to KB Home; c) any profits made by virtue of the registration, use or trafficking in infringing domain names by defendants; d) compensatory or statutory damages; e) treble damages; f) the cost of this action; g) and reasonable attorneys' fees.

COUNT TWO

Illegal Disclosure of Emails in Violation of the Electronic Communications Privacy Act
18 U.S.C. § 2511 (c)

58. KB Home reasserts the allegations set forth above as though fully set forth herein.

59. Defendant, MCGETTIGAN and others disclosed the intercepted electronic communications between the Dueall Computers and KB Home to further the ends of their conspiracy to disparage KB Home in an effort to coerce it to pay them to buy back their homes or other valuable consideration.

60. By information and belief, certain members of the conspiracy used computer-hacking devices or programs and/or burglary to intercept emails between Dueall and KB Home.

61. MCGETTIGAN, and other members of the conspiracy, knew or had reason to know that emails between KB Home and Dueall had been intercepted in violation of the ECPA.

62. On or around May 3, 2013, MCGETTIGAN “disclosed” some of the intercepted email correspondence by displaying and reading its contents to Mr. Ventimiglia, and by information and belief, to others.

63. MCGETTIGAN’s conduct was intentional, malicious, and willful.

64. MCGETTIGAN’s activities constitute intentional disclosure of intercepted electronic communications in violation of the ECPA, 18 U.S.C. § 2511(c).

65. Pursuant to 18 U.S.C. § 2520(a), KB Home is entitled to maintain this civil action against MCGETTIGAN and seek the following relief: a) compensatory or statutory damages; b) injunctive relief; and c) reasonable attorneys' fees and litigation costs.

COUNT THREE
Illegal Use of Emails in Violation of the Electronic Communications Privacy Act
18 U.S.C. § 2511 (d)

66. KB Home reasserts the allegations set forth above as though fully set forth herein.

67. Defendants MCGETTIGAN, KOEHLER, DELGADO and others conspired to use the intercepted electronic communications to and from the Dueall Computers and KB Home to further their conspiracy to disparage KB Home through the website at the KBHome.com and otherwise to coerce it to pay them valuable consideration or to buy back their homes.

68. By information and belief certain members of the conspiracy used computer-hacking devices or programs and/or burglary to intercept emails between Dueall and KB Home.

69. MCGETTIGAN, as a member of the conspiracy, knew or had reason to know that emails between KB Home and Dueall had been intercepted or otherwise obtained in violation of the ECPA.

70. On or around May 3, 2013, MCGETTIGAN "used" intercepted electronic communications between Dueall and KB Home in a number of ways, including reading and sharing their contents with Mr. Ventimiglia in an attempt to obtain information from him.

71. MCGETTIGAN's conduct was intentional, malicious, and willful.

72. MCGETTIGAN's activities constitute intentional use of intercepted electronic communications in violation of the ECPA, 18 U.S.C. § 2511(d).

73. Pursuant to 18 U.S.C. § 2520(a), KB Home's electronic communications were intercepted and used in violation of the ECPA and as a result KB Home is entitled to maintain this civil action against MCGETTIGAN and seek the following relief: a) compensatory or statutory damages; b) injunctive relief; c) reasonable attorneys' fees and litigation costs.

COUNT FOUR
Conspiracy to Violate Anti-Cybersquatting Consumer Protection Act
Florida Common Law

74. KB Home reasserts the allegations set forth above as though fully set forth herein.

75. A conspiracy exists or existed between SMITH, KOEHLER, MCGETTIGAN, CRISMON and DELGADO.

76. SMITH, KOEHLER, MCGETTIGAN, CRISMON and DELGADO, agreed to act in concert, and acted in concert, in furtherance of their bad faith intent to profit from and traffic in and "theKBHome.com" domain name to attempt to coerce KB Home to buy back their Willowbrook units or to otherwise pay them valuable consideration in exchange for transfer, termination or sale of the infringing domain name and website affiliated with it.

77. SMITH, KOEHLER, MCGETTIGAN, CRISMON and DELGADO and others have committed overt acts in furtherance of the conspiracy.

78. Specifically, SMITH and KOEHLER and others have communicated with KB Home stating expressly or implying that the infringing domain names and websites at “the KBHome.com” would be sold to KB Home or voluntarily terminated, if KB Home agreed to buy-back their units at Willowbrook or otherwise pay them valuable consideration.

79. Additionally, SMITH and KOEHLER have intentionally diverted Internet traffic to the websites located at “thekbhome.com” by using a domain name confusingly similar to KB Home’s famous and distinctive trademarks.

80. In furtherance of the conspiracy MCGETTIGAN and KOEHLER obtained, disclosed and used intercepted e-mail communications of KB Home.

81. As a proximate result of this conspiracy, KB Home has been damaged.

82. Accordingly, KB Home is entitled to pursue this action against defendants SMITH, KOEHLER, MCGETTIGAN, CRISMON AND DELGADO and other members of the conspiracy to seek the following relief or violation of the ACPA and ECPA against all the defendants: a) damages; b) injunctive relief; and c) such further relief as this Court deems just and proper.

COUNT FIVE
Conspiracy to Violate Electronic Communications Privacy Act
Florida Common Law

83. KB Home reasserts the allegations set forth above as though fully set forth herein.

84. A conspiracy existed between MCGETTIGAN, CRISMON, DELGADO, KOEHLER and others.

85. By information and belief, MCGETTIGAN, CRISMON, DELGADO, KOEHLER and others agreed to act, and acted in concert in furtherance of their scheme to use and disclose intercepted electronic communications of KB Home.

86. MCGETTIGAN, CRISMON, KOEHLER and DELGADO and others have committed overt acts in furtherance of the conspiracy.

87. CRISMON advised MCGETTIGAN and others how to intercept email between KB Home and Dueall and MCGETTIGAN used and disclosed some of the intercepted emails between KB Home and Dueall.

88. As a proximate result of this conspiracy, Plaintiff has been damaged.

89. Accordingly, Plaintiff is entitled to pursue this action against and seek the following relief: damages; injunctive relief; and such further relief as this Court deems just and proper.

WHEREFORE, KB Home respectfully requests this Court to grant the following relief with respect to all Defendants, and other members of the conspiracy:

a) Forfeiture or cancellation of “thekbhome.com” and “kbhomewillowbrook.com”; “kb-homes-lawsuits.com”; “kbhinvestorsbeware.com”; kbhomeforclosures.com”; “kbhomestock.com”; “kbhstock.com”; “kbhsucks.com”; “nysekbh.com”; “thekbhomes.com” and other similar infringing domain names registered, used or trafficked in by Defendants or their co-conspirators and transfer to KB Home, as owner of the KB HOME marks, pursuant to 15 U.S.C. § 1125(d)(1)(C);

b) Recovery of compensatory or statutory damages, any profits made from the registration, use or trafficking in the infringing domain names, and the reasonable attorneys’

fees and litigation costs incurred in this action, pursuant to 15 U.S.C. § 1125(a)(5) and 15 U.S.C. §§ 1117; and

c) An injunction against registering, using, trafficking in, or otherwise operating these and other domain names that infringe on the KB HOME Marks in violation of the ACPA, pursuant to 15 U.S.C. § 1116(a).

WHEREFORE, Plaintiff respectfully requests this Court to grant the following relief with respect to all Defendants and other members of the conspiracy:

a) Recovery of actual or statutory damages and reasonable attorneys' fees and litigation costs, pursuant to 18 U.S.C. §§ 2520; and

b) An injunction against illegally using and disclosing electronic communications to or from KB Home and a return to KB Home of all copies of its intercepted communications, pursuant to 18 U.S.C. § 2520.

Dated: November 11, 2013.

Respectfully submitted,

CARLTON FIELDS, P.A.

/s/Thomas A. Dye

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the above referenced date, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

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Int. Cl.: 37

Prior U.S. Cls.: 100, 103 and 106

United States Patent and Trademark Office

Reg. No. 2,706,002

Registered Apr. 15, 2003

**SERVICE MARK
PRINCIPAL REGISTER**

KB

KB HOME (DELAWARE CORPORATION)
10990 WILSHIRE BLVD.
LOS ANGELES, CA 90024, BY ASSIGNMENT KAUF-
MAN AND BROAD HOME CORPORATION (DE-
LAWARE CORPORATION) LOS ANGELES, CA
90024

FOR: CONSTRUCTION SERVICES, NAMELY,
PLANNING, LAYING OUT AND CONSTRUCTION
OF RESIDENTIAL COMMUNITIES; CONSTRUC-

TION OF SINGLE FAMILY AND MULTIPLE FA-
MILY DWELLING UNITS; REAL ESTATE
DEVELOPMENT, IN CLASS 37 (U.S. CLS. 100, 103
AND 106).

FIRST USE 3-0-1974; IN COMMERCE 3-0-1974.

SER. NO. 76-154,460, FILED 10-26-2000.

HENRY S. ZAK, EXAMINING ATTORNEY



Int. Cl.: 37

Prior U.S. Cls.: 100, 103 and 106

United States Patent and Trademark Office

Reg. No. 2,768,634

Registered Sep. 30, 2003

**SERVICE MARK
PRINCIPAL REGISTER**



KB HOME (DELAWARE CORPORATION)
10990 WILSHIRE BOULEVARD
LOS ANGELES, CA 90024, BY ASSIGNMENT KAUF-
MAN AND BROAD HOME CORPORATION (DE-
LAWARE CORPORATION) LOS ANGELES, CA
90024

FOR: CONSTRUCTION SERVICES, NAMELY,
PLANNING, LAYING OUT AND CONSTRUCTION
OF RESIDENTIAL COMMUNITIES; CONSTRU-
TION OF SINGLE FAMILY AND MULTIPLE FA-
MILY DWELLING UNITS; REAL ESTATE
DEVELOPMENT, IN CLASS 37 (U.S. CLS. 100, 103
AND 106).

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "HOME", APART FROM THE
MARK AS SHOWN.

IN THE SUBSTITUTE DRAWING, THE LINING/
STIPPLING INSIDE THE WORD "HOME" IS INTEN-
DED TO INDICATE THE COLOR GOLD, AND SAID
COLOR, AS DEPICTED IN THE DRAWING, IS
CLAIMED AS AN ELEMENT OF THE MARK.

SER. NO. 76-195,237, FILED 1-18-2001.

FIRST USE 1-17-2001; IN COMMERCE 1-17-2001.

SCOTT OSCLICK, EXAMINING ATTORNEY

Int. Cl.: 37

Prior U.S. Cls.: 100, 103, and 106

Reg. No. 2,832,387

United States Patent and Trademark Office

Registered Apr. 13, 2004

**SERVICE MARK
PRINCIPAL REGISTER**

KB HOME

KB HOME (DELAWARE CORPORATION)
10990 WILSHIRE BLVD
LOS ANGELES, CA 90024

FIRST USE 1-17-2001; IN COMMERCE 1-17-2001.

FOR: CONSTRUCTION SERVICES, NAMELY,
PLANNING, LAYING OUT AND CONSTRUCTION
OF RESIDENTIAL COMMUNITIES; CONSTRUCTION
OF SINGLE FAMILY AND MULTIPLE FAMILY
DWELLING UNITS; REAL ESTATE
DEVELOPMENT, IN CLASS 37 (U.S. CLS. 100, 103
AND 106).

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "HOME", APART FROM THE
MARK AS SHOWN.

SN 76-154,867, FILED 10-26-2000.

HENRY S. ZAK, EXAMINING ATTORNEY

Int. Cl.: 37

Prior U.S. Cls.: 100, 103 and 106

Reg. No. 2,749,283

United States Patent and Trademark Office

Registered Aug. 12, 2003

**SERVICE MARK
PRINCIPAL REGISTER**



**KB HOME (DELAWARE CORPORATION)
10990 WILSHIRE BLVD
LOS ANGELES, CA 90024, BY ASSIGNMENT KAUF-
MAN AND BROAD HOME CORPORATION (DE-
LAWARE CORPORATION) LOS ANGELES, CA
90024**

**FOR: CONSTRUCTION SERVICES, NAMELY,
PLANNING, LAYING OUT AND CONSTRUCTION
OF RESIDENTIAL COMMUNITIES; CONSTRUC-**

**TION OF SINGLE FAMILY AND MULTIPLE FA-
MILY DWELLING UNITS; REAL ESTATE
DEVELOPMENT, IN CLASS 37 (U.S. CLS. 100, 103
AND 106).**

FIRST USE 1-17-2001; IN COMMERCE 1-17-2001.

SER. NO. 76-195,868, FILED 1-18-2001.

SCOTT OSICK, EXAMINING ATTORNEY

Int. Cl.: 36

Prior U.S. Cls.: 100, 101, and 102

United States Patent and Trademark Office

Reg. No. 2,825,554

Registered Mar. 23, 2004

**SERVICE MARK
PRINCIPAL REGISTER**

KB HOME

KB HOME (DELAWARE CORPORATION)
10990 WILSHIRE BOULEVARD
LOS ANGELES, CA 90024

FIRST USE 3-6-2002; IN COMMERCE 3-6-2002.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "HOME", APART FROM THE
MARK AS SHOWN.

FOR: MORTGAGE LENDING AND ESCROW
SERVICES IN CONNECTION WITH THE CON-
STRUCTION AND BROKERAGE OF SINGLE FA-
MILY AND MULTIPLE FAMILY DWELLING
UNITS, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

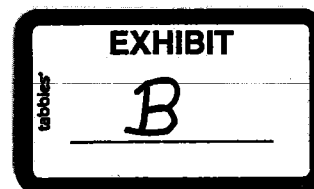
SN 76-154,866, FILED 10-26-2000.

HENRY S. ZAK, EXAMINING ATTORNEY

Combined Declaration of Use and Incontestability under Sections 8 & 15

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	2825554
REGISTRATION DATE	03/23/2004
SERIAL NUMBER	76154866
MARK SECTION	
MARK	KB HOME
OWNER SECTION (current)	
NAME	KB HOME
STREET	10990 WILSHIRE BOULEVARD
CITY	LOS ANGELES
STATE	California
ZIP/POSTAL CODE	90024
COUNTRY	United States
ATTORNEY SECTION (current)	
NAME	Sheldon H. Klein
FIRM NAME	ARENT FOX KINTNER PLOTKIN & KAHN PLLC
STREET	1050 CONNECTICUT AVE NW
CITY	WASHINGTON
STATE	District of Columbia
POSTAL CODE	20036-5303
COUNTRY	United States
ATTORNEY SECTION (proposed)	



NAME	Sheldon H. Klein
FIRM NAME	ARENT FOX LLP
STREET	1050 CONNECTICUT AVE NW
CITY	WASHINGTON
STATE	District of Columbia
POSTAL CODE	20036-5303
COUNTRY	United States
PHONE	202.857.6404
FAX	202.857.6395
EMAIL	klein.sheldon@arentfox.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
ATTORNEY DOCKET NUMBER	023776.00004
OTHER APPOINTED ATTORNEY	all other attorneys
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	036
GOODS OR SERVICES TO BE DELETED	and escrow services
GOODS OR SERVICES IN USE IN COMMERCE	Mortgage lending in connection with the construction and brokerage of single family and multiple family dwelling units
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	<u>SPN0-20447535-134728341 . KB Home Mortgage.pdf</u>
CONVERTED PDF FILE(S) (3 pages)	<u>\\TICRS\EXPORT8\IMAGEOUT8\761\548\76154866\xml1\8150002.JPG</u>
	<u>\\TICRS\EXPORT8\IMAGEOUT8\761\548\76154866\xml1\8150003.JPG</u>
	<u>\\TICRS\EXPORT8\IMAGEOUT8\761\548\76154866\xml1\8150004.JPG</u>
SPECIMEN DESCRIPTION	web site offering services
PAYMENT SECTION	

NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	300
TOTAL FEE PAID	300
SIGNATURE SECTION	
SIGNATURE	/Tony Richelieu/
SIGNATORY'S NAME	Tony Richelieu
SIGNATORY'S POSITION	Corporate Counsel and Assistant Corporate Secretary
DATE SIGNED	10/29/2009
PAYMENT METHOD	CC
FILING INFORMATION	
SUBMIT DATE	Thu Oct 29 14:15:11 EDT 2009
TEAS STAMP	USPTO/S08N15-204.4.75.35- 20091029141511092374-2825 554-4605a2e24781af65267fb 8d60c191eacf98-CC-434-200 91029134728341362

PTO Form 1593 (Rev. 5/2006)
OMB No. 0651-0035 (Exp. 12/31/2011)

**Combined Declaration of Use and Incontestability under Sections 8 & 15
To the Commissioner for Trademarks:**

REGISTRATION NUMBER: 2825554

REGISTRATION DATE: 03/23/2004

MARK: KB HOME

The owner, KB HOME, having an address of
10990 WILSHIRE BOULEVARD
LOS ANGELES, California 90024
United States

is filing a Combined Declaration of Use and Incontestability under Sections 8 & 15.

For International Class 036, this filing does **NOT** cover the following goods or services for this specific class listed in the registration, and these goods or services are to be permanently **deleted** from the registration. and escrow services

The mark is in use in commerce on or in connection with the following goods or services listed in the existing registration for this specific class: Mortgage lending in connection with the construction and brokerage of single family and multiple family dwelling units

The owner is submitting one specimen for this class showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) web site offering services.

Original PDF file:

SPN0-20447535-134728341 . KB Home Mortgage.pdf

Converted PDF file(s) (3 pages)

Specimen File1

Specimen File2

Specimen File3

The registrant hereby appoints Sheldon H. Klein and all other attorneys of ARENT FOX LLP
1050 CONNECTICUT AVE NW
WASHINGTON, District of Columbia 20036-5303
United States

to file this Combined Declaration of Use and Incontestability under Sections 8 & 15 on behalf of the registrant. The attorney docket/reference number is 023776.00004.

A fee payment in the amount of \$300 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

Declaration

The mark is in use in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce. The mark has been in continuous use in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce. There has been no final decision adverse to the owner's claim of ownership of such mark, or to the owner's right to register the same or to keep the same on the register; and there is no proceeding involving said rights pending and not disposed of either in the U.S. Patent and Trademark Office or in the courts.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /Tony Richelieu/ Date: 10/29/2009

Signatory's Name: Tony Richelieu

Signatory's Position: Corporate Counsel and Assistant Corporate Secretary

Mailing Address (current):

ARENT FOX KINTNER PLOTKIN & KAHN PLLC
1050 CONNECTICUT AVE NW
WASHINGTON, District of Columbia 20036-5303

Mailing Address (proposed):

ARENT FOX LLP
1050 CONNECTICUT AVE NW
WASHINGTON, District of Columbia 20036-5303

Serial Number: 76154866

Internet Transmission Date: Thu Oct 29 14:15:11 EDT 2009

TEAS Stamp: USPTO/S08N15-204.4.75.35-200910291415110

92374-2825554-4605a2e24781af65267fb8d60c

191eacf98-CC-434-20091029134728341362

KB Home Mortgage

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There's a lot involved in buying a home.
We can make your mortgage easy.
More loan options. Excellent customer service.

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KB Home Mortgage

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- what's my payment?
- can i afford this house?
- down payment
- loan programs

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welcome home

Now may be an opportune time to get into a new KB home. Whether you're a first-time buyer or moving up to a luxury home, you can get personalized service that makes the home financing process easier. We are committed to making the loan application process more convenient, and provide a wide array of financing options to help you purchase your dream home. We have a wide range of loan programs for qualified buyers, and we offer:

- UpFront Approval so you can know how much home you can afford¹
- A complete line of loan programs, including FHA and VA fixed rate loans
- Financing options that can help you with many of your KB Home Studio choices

We're pleased with your interest in a KB home and look forward to serving your home financing needs.

Call us today to get started: **888-KB-HOMES**.

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HouseCALL®
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888-KB-HOMES™

For information about KB Home communities throughout the United States, our HouseCALL Center is your own personal information source at KB Home.

We're here to take your call 7 days a week.

Monday through Friday
7am-5pm Saturday
8am-4pm, PST

¹ UpFront Approval is subject to satisfactory appraisal and title review and no change in financial condition. If the rate is not locked or rate protection expires, any rate increases may lower the loan amount for which the borrower has been preapproved.

 Equal Housing Lender. KB Home Mortgage, LLC is an operating subsidiary of Bank of America, N.A. Member FDIC. ©2009 Bank of America Corporation. All trademarks are the property of Bank of America Corporation. Some products may not be available in all states where KB Home Mortgage, LLC operates. Credit and collateral are subject to approval. Terms and conditions apply. This is not a commitment to lend. Programs, rates, terms and conditions are subject to change without notice.

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KB Home Mortgage

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KB Home Mortgage is a member of KB Home Bank, a California State Chartered Bank. KB Home Bank is a member of the FDIC. KB Home Mortgage is a member of the National Automated Clearing House Association (NACHA). KB Home Mortgage is a member of the National Automated Clearing House Association (NACHA). KB Home Mortgage is a member of the National Automated Clearing House Association (NACHA).

KB Home Mortgage is a member of KB Home Bank, a California State Chartered Bank. KB Home Bank is a member of the FDIC. KB Home Mortgage is a member of the National Automated Clearing House Association (NACHA). KB Home Mortgage is a member of the National Automated Clearing House Association (NACHA). KB Home Mortgage is a member of the National Automated Clearing House Association (NACHA).

KB Home Mortgage is a member of KB Home Bank, a California State Chartered Bank. KB Home Bank is a member of the FDIC. KB Home Mortgage is a member of the National Automated Clearing House Association (NACHA). KB Home Mortgage is a member of the National Automated Clearing House Association (NACHA). KB Home Mortgage is a member of the National Automated Clearing House Association (NACHA).

ROUTING SHEET TO POST REGISTRATION (PRU)

Registration Number: 2825554



Serial Number: 76154866



RAM Sale Number: 434

RAM Accounting Date: 20091030

Total Fees: \$300

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Number of Classes Paid</u>	<u>Total Fee</u>
§8 affidavit	7205	20091029	\$100	1	1	\$100
§15 affidavit	7208	20091029	\$200	1	1	\$200

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): True

Transaction Date: 20091029



PTO Form 1583 (Rev 5/2006)
OMB No. 0651-0085 (Exp 12/31/2011)

Combined Declaration of Use and Incontestability under Sections 8 & 15

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	2749283
REGISTRATION DATE	08/12/2003
SERIAL NUMBER	76195868
MARK SECTION	
MARK	KBHOME (stylized and/or with design)
OWNER SECTION (current)	
NAME	KB HOME
STREET	10990 WILSHIRE BLVD
CITY	LOS ANGELES
STATE	California
ZIP/POSTAL CODE	90024
COUNTRY	United States
ATTORNEY SECTION (current)	
NAME	Sheldon H Klein
FIRM NAME	ARENT FOX KINTNER PLOTKIN & KAHN PLLC
STREET	1050 CONNECTICUT AVE NW
CITY	WASHINGTON
STATE	District of Columbia
POSTAL CODE	20036-5303
COUNTRY	United States
ATTORNEY SECTION (proposed)	

NAME	Sheldon H Klein
FIRM NAME	ARENT FOX LLP
STREET	1050 CONNECTICUT AVE NW
CITY	WASHINGTON
STATE	District of Columbia
POSTAL CODE	20036-5303
COUNTRY	United States
EMAIL	klein.sheldon@arentfox.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	037
GOODS OR SERVICES	KEEP ALL LISTED
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	SPN0-20447535-144423965 . KBHomes - KB Home Customer Service and Customer Care.pdf
CONVERTED PDF FILE(S) (3 pages)	\\TICRS\EXPORT4\IMAGEOUT4\761\958\76195868\xml2\8150002.JPG
	\\TICRS\EXPORT4\IMAGEOUT4\761\958\76195868\xml2\8150003.JPG
	\\TICRS\EXPORT4\IMAGEOUT4\761\958\76195868\xml2\8150004.JPG
SPECIMEN DESCRIPTION	website page
PAYMENT SECTION	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	300
TOTAL FEE PAID	300
SIGNATURE SECTION	
SIGNATURE	/s/ Tony Richelieu
SIGNATORY'S	

NAME	Tony Richelieu
SIGNATORY'S POSITION	Corporate Counsel and Assistant Corporate Secretary
DATE SIGNED	11/25/2008
PAYMENT METHOD	CC
FILING INFORMATION	
SUBMIT DATE	Tue Nov 25 16:02:39 EST 2008
TEAS STAMP	USPTO/S08N15-204.4.75.35- 20081125160239866644-2749 283-4008f854f7821bffa5b41 379322318e9-CC-1596-20081 125144423965510

PTO Form 1593 (Rev 5/2006)
OMB No. 0651-0055 (Exp. 12/31/2011)

**Combined Declaration of Use and Incontestability under Sections 8 & 15
To the Commissioner for Trademarks:**

REGISTRATION NUMBER: 2749283

REGISTRATION DATE: 08/12/2003

MARK: KBHOME (stylized and/or with design)

The owner, KB HOME, having an address of
10990 WILSHIRE BLVD
LOS ANGELES, California 90024
United States

is filing a Combined Declaration of Use and Incontestability under Sections 8 & 15.

For International Class 037, the mark is in use in commerce on or in connection with **all** of the goods or services listed in the existing registration for this specific class; **and** the mark has been continuously used in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce on or in connection with **all** goods or services listed in the existing registration for this class. Also, no final decision adverse to the owner's claim of ownership of such mark for those goods or services exists, or to the owner's right to register the same or to keep the same on the register; and, no proceeding involving said rights pending and not disposed of in either the U.S. Patent and Trademark Office or the courts exists.

The owner is submitting one specimen for this class showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) website page.

Original PDF file:

SPN0-20447535-144423965 . KBHomes - KB Home Customer Service and Customer Care.pdf

Converted PDF file(s) (3 pages)

Specimen File1

Specimen File2

Specimen File3

The registrant hereby appoints Sheldon H Klein of ARENT FOX LLP
1050 CONNECTICUT AVE NW
WASHINGTON, District of Columbia 20036-5303
United States

to file this Combined Declaration of Use and Incontestability under Sections 8 & 15 on behalf of the registrant.

A fee payment in the amount of \$300 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

Declaration

The owner, or its related company, is using the mark in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce. The owner, or its related company, has continuously used the mark in commerce on or in connection with the goods and/or services identified above, for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still using the mark in commerce on or in connection with the identified goods and/or services. There has been no final decision adverse to the owner's claim of ownership of such mark for such goods and/or services, or to the owner's right to register the same or to keep the same on the register; and there is no proceeding involving said rights pending and not disposed of either in the U.S. Patent and Trademark Office or in the courts.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /s/ Tony Richelieu Date: 11/25/2008

Signatory's Name: Tony Richelieu

Signatory's Position: Corporate Counsel and Assistant Corporate Secretary

Mailing Address (current):

ARENT FOX KINTNER PLOTKIN & KAHN PLLC
1050 CONNECTICUT AVE NW
WASHINGTON, District of Columbia 20036-5303

Mailing Address (proposed):

ARENT FOX LLP
1050 CONNECTICUT AVE NW
WASHINGTON, District of Columbia 20036-5303

Serial Number: 76195868

Internet Transmission Date: Tue Nov 25 16:02:39 EST 2008

TEAS Stamp: USPTO/S08N15-204.4.75.35-200811251602398

66644-2749283-4008f854f7821bffa5b4137932

2318e9-CC-1596-20081125144423965510



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SEARCH

SEARCH

[KB Home](#) — Customer Care

Customer Care Your satisfaction is our goal.

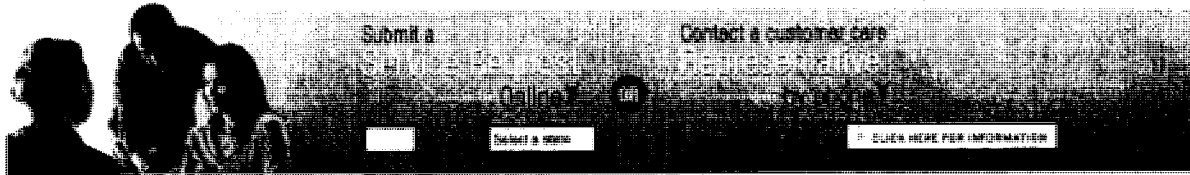
KB Home is committed to customer satisfaction. We will go the extra mile for you, ensuring that all facets of your new-home experience meet the expectations of KB Home and you, our valued customer.

KB Home's 100% Satisfied Pledge program represents the rigorous standards of customer satisfaction practiced throughout the company. We have achieved extraordinary homeowner loyalty with satisfaction index scores among the highest in company history, while outstanding warranty claims remain low. The KB Home 100% Satisfied Pledge problem-solving policy involves making great effort to resolve homeowner concerns easily, efficiently and effectively. It is our goal to resolve warranty issues within 2 weeks.

[Click here for more information on the Warranty.](#)



KB Home - KB Home Customer Service and Customer Care



The quality of our work is also a very important component to our customer service standards. KB Home has adopted a "100% Satisfied Pledge", which offers homebuyers 10 point quality construction checkpoints at every step.

KB Home 10 Quality Checkpoints

PRE-CONSTRUCTION BUYER ORIENTATION

1. PRE-POUR QUALITY CHECKPOINT
2. FRAME QUALITY CHECKPOINT
3. INTERIM FRAME QUALITY CHECKPOINT
4. FRAME PUNCHOUT QUALITY CHECKPOINT

PRE-DRYWALL BUYER ORIENTATION

5. PRE-DRYWALL QUALITY CHECKPOINT
6. DRYWALL PUNCHOUT QUALITY CHECKPOINT
7. TRIM PUNCHOUT QUALITY CHECKPOINT
8. PRE-CARPET QUALITY CHECKPOINT
9. PRE-FINAL QUALITY CHECKPOINT
10. COMMUNITY TEAM FINAL QUALITY CHECKPOINT

HOMESWALKER ORIENTATION

The KB Home 10-point quality checklist is overseen by the construction superintendent. This checklist is closely followed during each stage of the construction process.

<http://www.kbhome.com/CustomerCare.aspx> (2 of 3) 11/20/2008 11:06:57 AM



KB Home also adopted a first-of-its-kind quality certification program developed by the NAHB Research Center's National Housing Quality (NHQ) Program throughout its operations in the U.S. The rigorous certification process emphasizes efficiency, accountability and communication on the jobsite. The KB Home 10-year limited warranty is also one of the most comprehensive in the industry.

Call today for more information. 888-KB-HOMES.

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ROUTING SHEET TO POST REGISTRATION (PRU)

Registration Number: 2749283



Serial Number: 76195868



RAM Sale Number: 1596

RAM Accounting Date: 20081126

Total Fees: \$300

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Number of Classes Paid</u>	<u>Total Fee</u>
§8 affidavit	7205	20081125	\$100	1	1	\$100
§15 affidavit	7208	20081125	\$200	1	1	\$200

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): True

Transaction Date: 20081125



PTO Form 1583 (Rev. 5/2008)
OMB No. 0651-0035 (Exp. 12/31/2015)

Combined Declaration of Use and Incontestability under Sections 8 & 15

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	2706002
REGISTRATION DATE	04/15/2003
SERIAL NUMBER	76154460
MARK SECTION	
MARK	KB
OWNER SECTION (current)	
NAME	KB HOME
STREET	10990 Wilshire Blvd.
CITY	Los Angeles
STATE	California
ZIP/POSTAL CODE	90024
COUNTRY	US
ATTORNEY SECTION (current)	
NAME	Sheldon H. Klein
FIRM NAME	ARENT FOX
STREET	1050 CONNECTICUT AVENUE NW
CITY	WASHINGTON
STATE	District of Columbia
POSTAL CODE	20036-5339
COUNTRY	United States
ATTORNEY SECTION (proposed)	
NAME	Sheldon H. Klein
FIRM NAME	Arent Fox LLP

STREET	1050 Connecticut Ave. NW
CITY	WASHINGTON
STATE	District of Columbia
POSTAL CODE	20036-5339
COUNTRY	United States
PHONE	202.857.6404
FAX	202.857.6395
EMAIL	klein.sheldon@arentfox.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
ATTORNEY DOCKET NUMBER	023776.00006
OTHER APPOINTED ATTORNEY	all other attorneys
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	037
GOODS OR SERVICES	KEEP ALL LISTED
SPECIMEN FILE NAME(S)	<u>\\TICRS\EXPORT6\IMAGEOUT6</u> <u>761\544\76154460\xml1\81 50002.JPG</u>
SPECIMEN DESCRIPTION	digital copy of brochure advertising services
PAYMENT SECTION	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	300
TOTAL FEE PAID	300
SIGNATURE SECTION	
SIGNATURE	/Tony Richelieu/
SIGNATORY'S NAME	Tony Richelieu
SIGNATORY'S POSITION	Corporate Counsel, Assistant Corporate Secretary
DATE SIGNED	04/08/2009
PAYMENT METHOD	CC
FILING INFORMATION	
SUBMIT DATE	Wed Apr 08 13:01:01 EDT 2009

TEAS STAMP

USPTO/S08N15-204.4.75.35-
20090408130101876819-2706
002-440f4a83367c297785d10
a448689ca598a0-CC-8222-20
090408095422003754

PTO Form 1593 (Rev. 5/2/06)
OMB No. 0651-0055 (Exp. 12/31/2011)

**Combined Declaration of Use and Incontestability under Sections 8 & 15
To the Commissioner for Trademarks:**

REGISTRATION NUMBER: 2706002

REGISTRATION DATE: 04/15/2003

MARK: KB

The owner, KB HOME, having an address of
10990 Wilshire Blvd.
Los Angeles, California 90024
US

is filing a Combined Declaration of Use and Incontestability under Sections 8 & 15.

For International Class 037, the mark is in use in commerce on or in connection with **all** of the goods or services listed in the existing registration for this specific class; **and** the mark has been continuously used in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce on or in connection with **all** goods or services listed in the existing registration for this class. Also, no final decision adverse to the owner's claim of ownership of such mark for those goods or services exists, or to the owner's right to register the same or to keep the same on the register; and, no proceeding involving said rights pending and not disposed of in either the U.S. Patent and Trademark Office or the courts exists.

The owner is submitting one specimen for this class showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) digital copy of brochure advertising services.
Specimen File1

The registrant hereby appoints Sheldon H. Klein and all other attorneys of Arent Fox LLP
1050 Connecticut Ave. NW
WASHINGTON, District of Columbia 20036-5339
United States

to file this Combined Declaration of Use and Incontestability under Sections 8 & 15 on behalf of the registrant. The attorney docket/reference number is 023776.00006.

A fee payment in the amount of \$300 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

Declaration

The mark is in use in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce. The mark has been in continuous use in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce. There has been no final decision adverse

to the owner's claim of ownership of such mark, or to the owner's right to register the same or to keep the same on the register; and there is no proceeding involving said rights pending and not disposed of either in the U.S. Patent and Trademark Office or in the courts.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /Tony Richelieu/ Date: 04/08/2009

Signatory's Name: Tony Richelieu

Signatory's Position: Corporate Counsel, Assistant Corporate Secretary

Mailing Address (current):

ARENT FOX
1050 CONNECTICUT AVENUE NW
WASHINGTON, District of Columbia 20036-5339

Mailing Address (proposed):

Arent Fox LLP
1050 Connecticut Ave. NW
WASHINGTON, District of Columbia 20036-5339

Serial Number: 76154460

Internet Transmission Date: Wed Apr 08 13:01:01 EDT 2009

TEAS Stamp: USPTO/S08N15-204.4.75.35-200904081301018

76819-2706002-440f4a83367c297785d10a4486

89ca598a0-CC-8222-20090408095422003754



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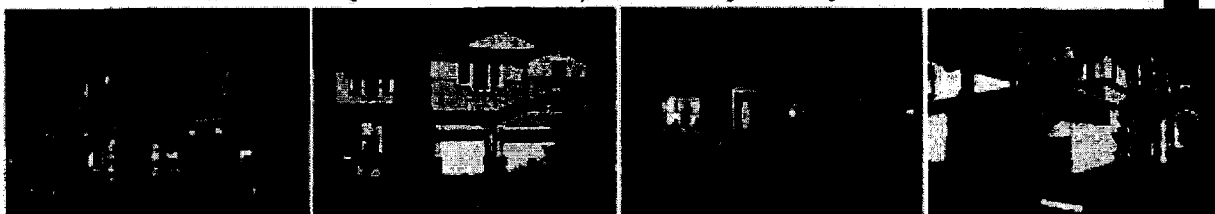
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ROUTING SHEET TO POST REGISTRATION (PRU)

Registration Number: 2706002



Serial Number: 76154460



RAM Sale Number: 8222

RAM Accounting Date: 20090408

Total Fees: \$300

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Number of Classes Paid</u>	<u>Total Fee</u>
§8 affidavit	7205	20090408	\$100	1	1	\$100
§15 affidavit	7208	20090408	\$200	1	1	\$200

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

In TICS (AM-FLG-IN-TICS): True

Transaction Date: 20090408



PTO Form 1583 (Rev. 5/2006)
OMB No. 0651-0055 (Exp. 12/31/2011)

Combined Declaration of Use and Incontestability under Sections 8 & 15

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	2768634
REGISTRATION DATE	09/30/2003
SERIAL NUMBER	76195237
MARK SECTION	
MARK	KB HOME (stylized and/or with design)
OWNER SECTION (current)	
NAME	KB HOME
STREET	10990 WILSHIRE BOULEVARD
CITY	LOS ANGELES
STATE	California
ZIP/POSTAL CODE	90024
COUNTRY	United States
ATTORNEY SECTION (current)	
NAME	Sheldon H. Klein
FIRM NAME	ARENT FOX KINTNER PLOTKIN & KAHN
STREET	1050 CONNECTICUT AVENUE NW
CITY	WASHINGTON
STATE	District of Columbia
POSTAL CODE	20036-5339
COUNTRY	United States
ATTORNEY SECTION (proposed)	

NAME	Sheldon H. Klein
FIRM NAME	ARENT FOX LLP
STREET	1050 CONNECTICUT AVENUE NW
CITY	WASHINGTON
STATE	District of Columbia
POSTAL CODE	20036-5339
COUNTRY	United States
PHONE	202.857.6404
FAX	202.857.6395
EMAIL	klein.sheldon@arentfox.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
ATTORNEY DOCKET NUMBER	023776.00015
OTHER APPOINTED ATTORNEY	all other attorneys
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	037
GOODS OR SERVICES	KEEP ALL LISTED
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	<u>SPN0-20447535-122259956 . Specimen.pdf</u>
CONVERTED PDF FILE(S) (1 page)	<u>\\TICRS\EXPORT8\IMAGEOUT8\761\952\76195237\xml\1\8150002.JPG</u>
SPECIMEN DESCRIPTION	screen shot of website
PAYMENT SECTION	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	300
TOTAL FEE PAID	300

SIGNATURE SECTION	
SIGNATURE	/Tony Richelieu/
SIGNATORY'S NAME	Tony Richelieu
SIGNATORY'S POSITION	Corporate Counsel and Assistant Corporate Secretary
DATE SIGNED	09/25/2009
PAYMENT METHOD	CC
FILING INFORMATION	
SUBMIT DATE	Fri Sep 25 15:14:29 EDT 2009
TEAS STAMP	USPTO/S08N15-204.4.75.35- 20090925151429801236-2768 634-460c2b0ff343f4a908698 051364f5cdf84-CC-1479-200 90922122259956706

PTO Form 1592 (Rev. 5/2008)
OMB No. 0651-0065 (Exp. 12/31/2011)

**Combined Declaration of Use and Incontestability under Sections 8 & 15
To the Commissioner for Trademarks:**

REGISTRATION NUMBER: 2768634

REGISTRATION DATE: 09/30/2003

MARK: KB HOME (stylized and/or with design)

The owner, KB HOME, having an address of
10990 WILSHIRE BOULEVARD
LOS ANGELES, California 90024
United States

is filing a Combined Declaration of Use and Incontestability under Sections 8 & 15.

For International Class 037, the mark is in use in commerce on or in connection with **all** of the goods or services listed in the existing registration for this specific class; **and** the mark has been continuously used in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce on or in connection with **all** goods or services listed in the existing registration for this class. Also, no final decision adverse to the owner's claim of ownership of such mark for those goods or services exists, or to the owner's right to register the same or to keep the same on the register; and, no proceeding involving said rights pending and not disposed of in either the U.S. Patent and Trademark Office or the courts exists.

The owner is submitting one specimen for this class showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) screen shot of website.

Original PDF file:

SPN0-20447535-122259956 . Specimen.pdf

Converted PDF file(s) (1 page)

Specimen File1

The registrant hereby appoints Sheldon H. Klein and all other attorneys of ARENT FOX LLP
1050 CONNECTICUT AVENUE NW
WASHINGTON, District of Columbia 20036-5339
United States

to file this Combined Declaration of Use and Incontestability under Sections 8 & 15 on behalf of the registrant. The attorney docket/reference number is 023776.00015.

A fee payment in the amount of \$300 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

Declaration

The mark is in use in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce. The mark has been in continuous use in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce. There has been no final decision adverse to the owner's claim of ownership of such mark, or to the owner's right to register the same or to keep the same on the register; and there is no proceeding involving said rights pending and not disposed of either in the U.S. Patent and Trademark Office or in the courts.

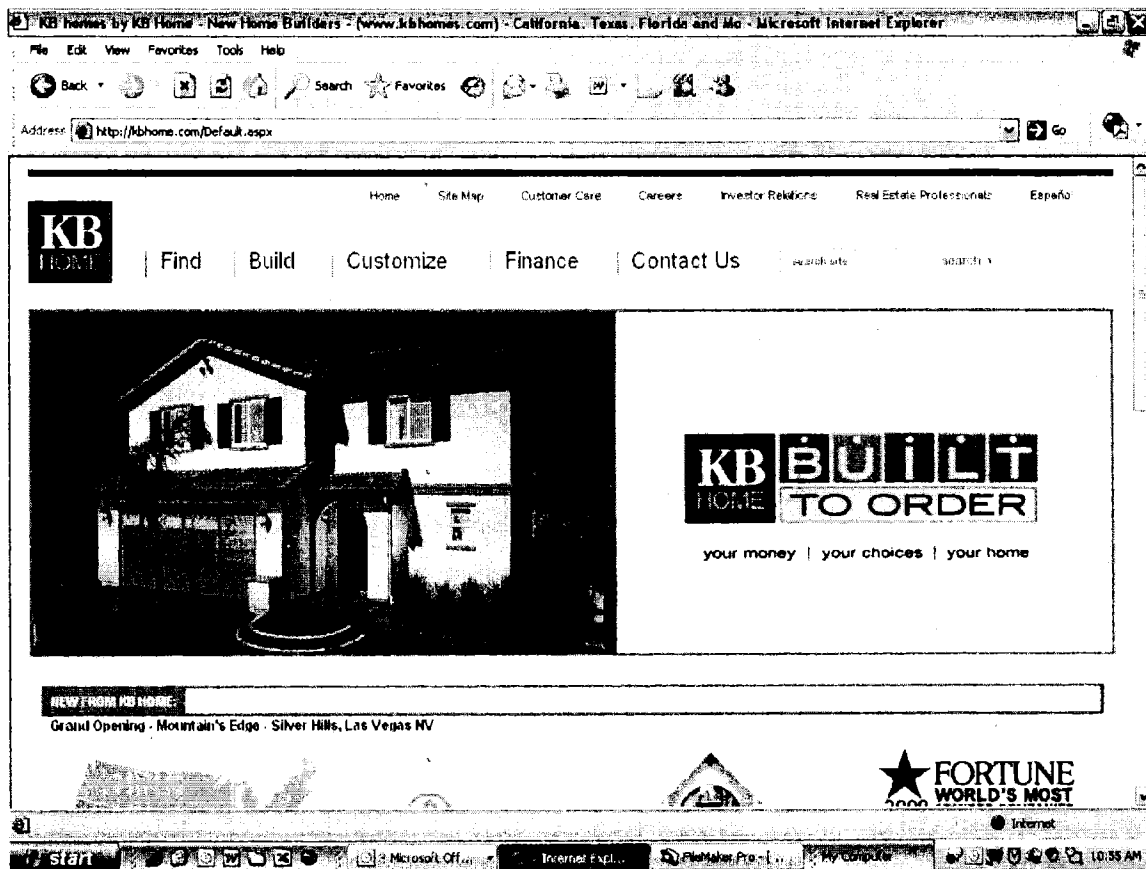
The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /Tony Richelieu/ Date: 09/25/2009
Signatory's Name: Tony Richelieu
Signatory's Position: Corporate Counsel and Assistant Corporate Secretary

Mailing Address (**current**):
ARENT FOX KINTNER PLOTKIN & KAHN
1050 CONNECTICUT AVENUE NW
WASHINGTON, District of Columbia 20036-5339

Mailing Address (**proposed**):
ARENT FOX LLP
1050 CONNECTICUT AVENUE NW
WASHINGTON, District of Columbia 20036-5339

Serial Number: 76195237
Internet Transmission Date: Fri Sep 25 15:14:29 EDT 2009
TEAS Stamp: USPTO/S08N15-204.4.75.35-200909251514298
01236-2768634-460c2b0ff343f4a90869805136
4f5cdf84-CC-1479-20090922122259956706



ROUTING SHEET TO POST REGISTRATION (PRU)

Registration Number: 2768634



Serial Number: 76195237



RAM Sale Number: 1479

RAM Accounting Date: 20090928

Total Fees: \$300

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Number of Classes Paid</u>	<u>Total Fee</u>
§8 affidavit	7205	20090925	\$100	1	1	\$100
§15 affidavit	7208	20090925	\$200	1	1	\$200

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

In TICS (AM-FLG-IN-TICS): True

Transaction Date: 20090925



PTO Form 1583 (Rev 5/2006)
OMB No. 0651-0055 (Exp 12/31/2011)

Combined Declaration of Use and Incontestability under Sections 8 & 15

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	2832387
REGISTRATION DATE	04/13/2004
SERIAL NUMBER	76154867
MARK SECTION	
MARK	KB HOME
OWNER SECTION (current)	
NAME	KB HOME
STREET	10990 WILSHIRE BLVD
CITY	LOS ANGELES
STATE	California
ZIP/POSTAL CODE	90024
COUNTRY	United States
ATTORNEY SECTION (current)	
NAME	Sheldon H. Klein
FIRM NAME	ARENT FOX KINTNER PLOTKIN & KAMIN PLLC
STREET	1050 CONNECTICUT AVE NW
CITY	WASHINGTON
STATE	District of Columbia
POSTAL CODE	20036-5303
COUNTRY	United States
ATTORNEY SECTION (proposed)	

NAME	Sheldon H. Klein
FIRM NAME	ARENT FOX LLP
STREET	1050 CONNECTICUT AVE NW
CITY	WASHINGTON
STATE	District of Columbia
POSTAL CODE	20036-5303
COUNTRY	United States
PHONE	202.857.6404
FAX	202.857.6395
EMAIL	klein.sheldon@arentfox.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
ATTORNEY DOCKET NUMBER	023776.00005
OTHER APPOINTED ATTORNEY	all other attorneys
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	037
GOODS OR SERVICES	KEEP ALL LISTED
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	<u>SPN0-20447535-161534383 . Specimen.pdf</u>
CONVERTED PDF FILE(S) (1 page)	<u>\\TICRS\EXPORT8\IMAGEOUT8\761\548\76154867\xml\8150002.JPG</u>
SPECIMEN DESCRIPTION	screen shot of website offering services
PAYMENT SECTION	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	300
TOTAL FEE PAID	300

SIGNATURE SECTION	
SIGNATURE	/TONY RICHELIEU/
SIGNATORY'S NAME	Tony Richelieu
SIGNATORY'S POSITION	Corporate Counsel and Assistant Corporate Secretary
DATE SIGNED	11/03/2009
PAYMENT METHOD	CC
FILING INFORMATION	
SUBMIT DATE	Tue Nov 03 16:25:14 EST 2009
TEAS STAMP	USPTO/S08N15-204.4.75.35- 20091103162514767693-2832 387-46081e2d6a82b981b9654 7f73be8ae1e10-CC-2556-200 91103161534383958

PTO Form 1580 (Rev. 5/2005)
OMB No. 0634-0055 (Exp. 12/31/2011)

**Combined Declaration of Use and Incontestability under Sections 8 & 15
To the Commissioner for Trademarks:**

REGISTRATION NUMBER: 2832387

REGISTRATION DATE: 04/13/2004

MARK: KB HOME

The owner, KB HOME, having an address of

10990 WILSHIRE BLVD

LOS ANGELES, California 90024

United States

is filing a Combined Declaration of Use and Incontestability under Sections 8 & 15.

For International Class 037, the mark is in use in commerce on or in connection with **all** of the goods or services listed in the existing registration for this specific class; **and** the mark has been continuously used in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce on or in connection with **all** goods or services listed in the existing registration for this class. Also, no final decision adverse to the owner's claim of ownership of such mark for those goods or services exists, or to the owner's right to register the same or to keep the same on the register; and, no proceeding involving said rights pending and not disposed of in either the U.S. Patent and Trademark Office or the courts exists.

The owner is submitting one specimen for this class showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) screen shot of website offering services.

Original PDF file:

SPN0-20447535-161534383 . Specimen.pdf

Converted PDF file(s) (1 page)

Specimen File1

The registrant hereby appoints Sheldon H. Klein and all other attorneys of ARENT FOX LLP

1050 CONNECTICUT AVE NW

WASHINGTON, District of Columbia 20036-5303

United States

to file this Combined Declaration of Use and Incontestability under Sections 8 & 15 on behalf of the registrant. The attorney docket/reference number is 023776.00005.

A fee payment in the amount of \$300 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

Declaration

The mark is in use in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce. The mark has been in continuous use in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce. There has been no final decision adverse to the owner's claim of ownership of such mark, or to the owner's right to register the same or to keep the same on the register; and there is no proceeding involving said rights pending and not disposed of either in the U.S. Patent and Trademark Office or in the courts.

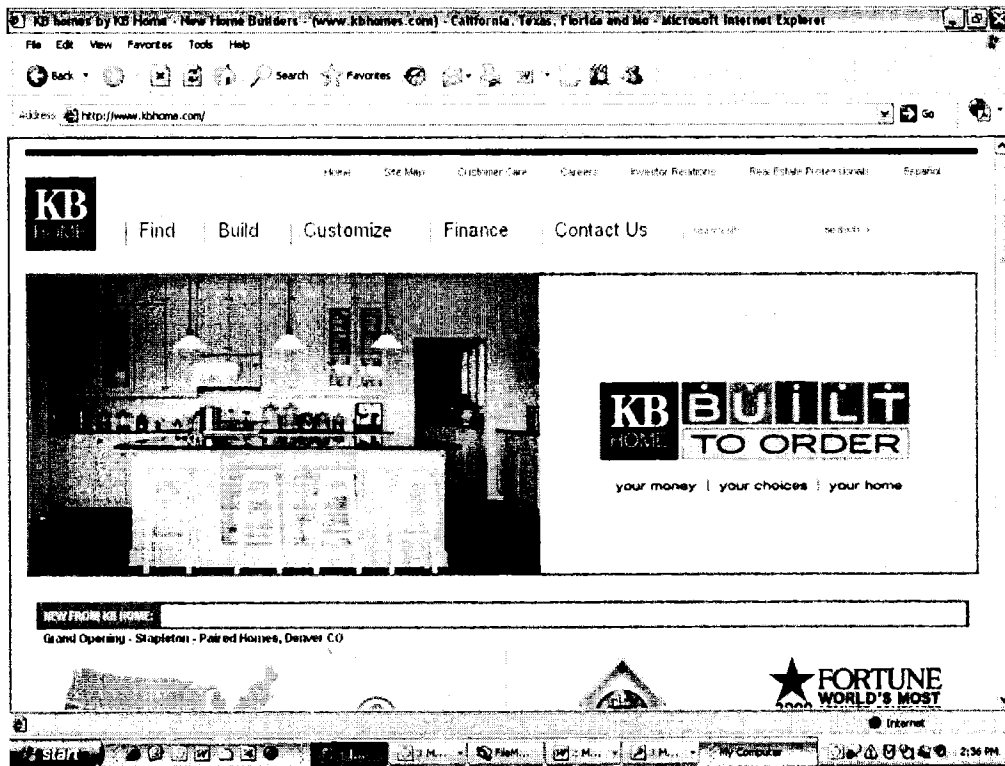
The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /TONY RICHELIEU/ Date: 11/03/2009
Signatory's Name: Tony Richelieu
Signatory's Position: Corporate Counsel and Assistant Corporate Secretary

Mailing Address (**current**):
ARENT FOX KINTNER PLOTKIN & KAMIN PLLC
1050 CONNECTICUT AVE NW
WASHINGTON, District of Columbia 20036-5303

Mailing Address (**proposed**):
ARENT FOX LLP
1050 CONNECTICUT AVE NW
WASHINGTON, District of Columbia 20036-5303

Serial Number: 76154867
Internet Transmission Date: Tue Nov 03 16:25:14 EST 2009
TEAS Stamp: USPTO/S08N15-204.4.75.35-200911031625147
67693-2832387-46081e2d6a82b981b96547f73b
e8ae1e10-CC-2556-20091103161534383958



ROUTING SHEET TO POST REGISTRATION (PRU)

Registration Number: 2832387



Serial Number: 76154867



RAM Sale Number: 2556

RAM Accounting Date: 20091104

Total Fees: \$300

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Number of Classes Paid</u>	<u>Total Fee</u>
§8 affidavit	7205	20091103	\$100	1	1	\$100
§15 affidavit	7208	20091103	\$200	1	1	\$200

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

In TICS (AM-FLG-IN-TICS): True

Transaction Date: 20091103

