

Doctor's Associates Inc. dba Subway

Doctor's Associates Inc. ("DAI"), a Florida, U.S.A. Corporation and owner of the SUBWAY® brand, works diligently to protect the integrity of the brand. To protect our reputation and our customers' dining experience, we are committed to preventing the sale or resale of items that misuse or otherwise infringe our trademarks, copyrights or proprietary rights. As well, the distribution and/or sale of counterfeit goods or stolen property is illegal and will carry criminal penalties. We will contact eBay if an item is suspected of being stolen or counterfeit. DAI will contact eBay of all listings that contain unauthorized use of any of the SUBWAY® brands. For more information about SUBWAY®, please visit our website at www.subway.com.

Here some general issues we would like to address:

Buy with Care. All buyers are encouraged to proceed with caution when purchasing any merchandise bearing the SUBWAY® trademarks and/or copyright owned by DAI. DAI cannot guarantee the authenticity of any items sold or resold on eBay. We also cannot guarantee that products sold on eBay will meet their original specifications or that they continue to meet our quality or freshness standards. Please also note that many products are warranted only to their original purchasers and that the original product warranty may no longer be valid if that product has been transferred or sold. Additionally, please be aware that some items for sale on eBay may be stolen property. If you suspect an item may be stolen, please contact us using the information provided below.

SUBWAY® Intellectual Property Rights. DAI has registered the trademark SUBWAY® on the principal registry of the United States Patent and Trademark Office ("USPTO") under number 1,174,608, among other registrations. DAI claims proprietary rights in all materials, designs and logos used throughout the SUBWAY® system. DAI's intellectual property rights, which include all trade names, trademarks, service marks, and copyrights associated with the SUBWAY® system, embody the goodwill and reputation developed in the marketplace, as well as valuable and important assets of business. All SUBWAY® trademarks and copyrights are protected by federal, state and international law. We also refer you to eBay policy on auctions, which prohibits the listing for sale of a variety of items, including stolen property, counterfeit goods, certain copyrighted items, and certain trademarked items.

<http://pages.ebay.com/help/community/png-items.html><http://pages.ebay.com/help/community/png-copyright-basics.html><http://pages.ebay.com/help/community/png-trademark-basics.html>

Unauthorized Use of SUBWAY® Coupons. SUBWAY® restaurant coupons are void if copied, redistributed on the Internet, sold or auctioned. DAI does not authorize the offer or sale of SUBWAY® coupons by third parties on eBay. SUBWAY® coupons are designed for limited circulation. If you buy SUBWAY® coupons on eBay, you do so at your own risk. SUBWAY® coupons are void if copied or reproduced. You may not make, sell, or redeem scanned images or photocopies of our coupons or other copyrighted material. We also refer you to eBay policy on the sale of coupons which states:

Since eBay does not possess the coupons or have knowledge of the coupons' terms or circumstances surrounding the issuance of those coupons, coupon sellers are encouraged to consult with the manufacturers and legal counsel before listing coupons that explicitly forbid transfer or sale on eBay. Sellers may not avoid potential issues with coupon issuers by claiming to price the value of the labor

involved in clipping the coupons, rather than the coupons themselves. Under eBay rules, the coupons themselves will be treated as the item of value being sold. Buyers should also note that retailers might decline to accept coupons that have been obtained in a manner that violates the printed terms on the coupon.

Prohibited Items. DAI prohibits the sale, purchase or auction for cash or other valuable consideration of certain items, including any and all SUBWAY® coupons, SUB CLUB® cards, clothing which infringes on any of DAI's registered trademarks or copyrights, machinery bearing the SUBWAY® logo or trademark, and any signage, tables, chairs or other furnishings or store fixtures which bear any of DAI's registered trademarks or copyrights.

Frequently Asked Questions (FAQ)

Q. Why was my auction suspended?

A. Most likely, your auction was removed from the eBay website because it offered for sale counterfeit merchandise featuring one of our trademarks, unauthorized reproductions of copyrighted works owned by DAI, or prohibited items listed above. DAI regularly monitors the Internet, including auction sites, in order to protect its rights. As part of that effort, DAI will notify eBay of auction listings containing unauthorized uses of DAI copyrights or trademarks, and eBay will take appropriate steps in accordance with its user policies, which include removing the auction from eBay website.

Q. What other logos or names would DAI consider to be infringing? **A.** As a general rule, any logo or reiteration of the word SUBWAY® that would tend to disparage, confuse or dilute our image in the eyes of the public or that would tend to confuse consumers, may be considered infringing. While these items may be viewed by some persons as funny or innocent, they have the effect of diluting DAI's valuable proprietary rights.

Q. Why does DAI care if I sell some unauthorized merchandise, such as a T-shirt with something that looks like the SUBWAY® logo?

A. SUBWAY® trademarks and logos are registered with the United States Patent and Trademark Office, are copyrighted and have become some of the best known trademarks in North America and around the world. They are more than familiar logos, they are symbols that the public associates with premium products and excellent service. DAI has a responsibility to protect that valuable and distinctive symbol from diluting, confusing and misleading uses, all of which can harm the underlying value and reputation of the SUBWAY® logos. As a result, we have to take seriously misuses of any of the SUBWAY® logos that might tarnish or damage our brand image.

Q. What if I decide to re-post an auction once it has been ended? DAI will never know...

A. If you decide to re-post an infringing article once eBay has ended an auction for it, be warned that you are likely to subject yourself to civil and/or criminal liability, as well as temporary/permanent suspension from eBay privileges. DAI must take action to ensure that online auctions of counterfeit/infringing goods are finally ended. So, resist the temptation to test the law.

Q. What if I did not realize that I was infringing DAI intellectual property rights?

A. Even if your listing was an accident or a mistake, you can still be held liable for infringement under copyright or trademark laws. Every seller has a responsibility to ensure that his sale does not infringe upon another intellectual property rights.

Q. Why hasn't DAI suspended all auctions selling infringing products?

A. DAI vigorously enforces its intellectual property rights. When an auction selling infringing products comes to DAI attention, DAI reviews the matter and takes appropriate action. Given the high volume of merchandise for sale on eBay, however, it is difficult to identify and remove every counterfeit and unauthorized item. The fact that others may be selling products that infringe DAI intellectual property rights does not give you the right to do so or prevent DAI from terminating those auctions. If you become aware of a listing that you believe may be violating DAI intellectual property rights, please send information about the auction, the seller name, a picture of the item that was offered for sale and the eBay item number to the following address: greco_c@subway.com.