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CASE MANAGEMENT CONFERENCE SET

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12 Attorneys for Plaintiff
13 craigslist, Inc.

14 **DEPARTMENT 212**
15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **COUNTY OF SAN FRANCISCO**

17 craigslist, Inc.,
18 Plaintiff,
19 v.
20 eBay Inc.;
21 eBay Domestic Holdings, Inc.;
22 and Does 1 through 100, inclusive,
23 Defendants.

Case No. **CEC-08-475276**

COMPLAINT FOR:

**UNFAIR AND UNLAWFUL
COMPETITION UNDER CAL. BUS.
AND PROF. CODE § 17200**

**FALSE ADVERTISING UNDER
CAL. BUS. AND PROF. CODE
§ 17500**

**CALIFORNIA TRADEMARK
INFRINGEMENT AND UNFAIR
COMPETITION**

**CALIFORNIA PASSING OFF AND
UNFAIR COMPETITION**

**DILUTION UNDER CAL. BUS. &
PROF. CODE § 14200**

BREACH OF FIDUCIARY DUTY

JURY TRIAL REQUESTED

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I. INTRODUCTION

1. craigslist and its 25 San Francisco employees operate websites designed to serve local communities with classified ad placements and other services. Other than small fees for job postings in ten cities and brokered apartment rentals in one city, craigslist provides its services to the public free of any charge. In August 2004, eBay Inc. and its subsidiary eBay Domestic Holdings, Inc. (collectively, “eBay”) acquired a minority interest in craigslist from a former shareholder. This acquisition followed repeated representations to craigslist by eBay’s top executives regarding the community values they shared with craigslist, and after repeated assertions regarding the benefits that would be enjoyed by craigslist users, the greater internet community, and the general public. Since acquiring its interest, however, eBay has instead engaged in conduct designed to harm craigslist, its users, and consumers in California and elsewhere. This conduct includes but is not limited to unlawful and unfair competition, misappropriation of proprietary information, deceptive passing-off, business interference, false advertising, phishing attacks, free-riding, trademark infringement, trademark dilution, and breaches of fiduciary duty.

2. As a company that now directly competes with craigslist through its Kijiji classified ads website launched in the United States in 2007, eBay cannot deny that it has certain duties under the law. Yet eBay has chosen to ignore these duties and, without this Court’s intervention, it will continue to do so. By way of example, eBay has engaged in the following wrongful behavior:

- In the months leading up to the U.S. launch of its competing Kijiji site (referred to inside eBay as the “craigslist killer”), eBay used its shareholder status to plant on craigslist’s board of directors the individual responsible for launching and/or operating Kijiji and other eBay classifieds properties in Europe;
- Later recognizing the antitrust risk of having a Kijiji insider serve on craigslist’s board, eBay withdrew him, but then proceeded to nominate a

