

# American

Blinds, Wallpaper & More

7/11/2003

VIA E-MAIL DELIVERY & READ REQUEST

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Re: American Blinds, Wallpaper & More Trademark Claims

Ms. Hagan:

It has come to our attention that **The Blind Factory** has purchased advertising keywords from you that are identical or substantially similar to American Blinds, Wallpaper & More ("ABWM") registered trademarks (see attached screenshots). ABWM is hereby notifying you of its trademark infringement claims for prompt resolution.

As you probably know, federal and state trademark law protects a trademark owner's commercial identity (goodwill, reputation and investment in advertising) by giving such owner the exclusive right to use the trademark for its goods or services. What you may not know is that trademark law also protects the trademark owner from any person or entity that uses a trademark (*i.e.* keyword, word, name, symbol or device) that so *resembles a trademark already in use as to be likely to cause confusion or mistake* in the marketplace. Furthermore, federal law protects trademarks that are unregistered.

ABWM is the owner of and has the exclusive rights to use the following trademarks registered with the United States Patent and Trademark Office ("USPTO"):

<u>Mark</u>	<u>Reg. Number</u>	<u>Reg. Date</u>
AMERICAN BLIND & WALLPAPER FACTORY	2,022,925	12/17/96
AMERICAN BLIND FACTORY	1,463,548	11/3/87
DECORATETODAY	2,470,542	7/17/01

ABWM is recognized and well known in the home decorating industry and to consumers nationwide as "American Blind", "American Wallpaper" and "decoratetoday." Many of ABWM's competitors have exploited the notoriety and success of ABWM, and flagrantly

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attempted to confuse consumers and capitalize illegally on ABWM's goodwill and reputation by purchasing identical or substantially similar keywords from search engines. ABWM has been vigilant in defending its marks from infringement and dilution at all costs. As an example, ABWM was awarded in the matter of *Decoratetoday.com, Inc. (d/b/a American Blind and Wallpaper Factory, Inc.) v. American Blind & Accessory Co., Inc. and Directory One, Inc.*, Case No. 01-CV-70804-DT, a permanent injunction by the United States District Court for the Eastern District of Michigan, permanently enjoining the defendants from using ABWM's "trademarks, service marks or the word 'American' in any variation or combination with the word 'Blind' either singular or plural...." We would be glad to send you a copy of the Permanent Injunction Order if you would like to read it in its entirety. Please note that ABWM was successful in defending not only its registered marks, but marks that were confusingly similar thereto. Consequently based upon federal law and precedent, use of the following similar marks by your advertisers constitutes infringement of ABWM's registered marks:

american blind  
american blind and wallpaper  
american blind and wallpaper company  
american blind and wallpaper factory  
american blind and wallpaper outlet  
american blind discount  
american blind wallpaper  
american blind wallpaper factory  
american wall covering  
american wallpaper and blind  
american wallpaper discount  
Americanblind  
Americanblindandwallpaperfactory  
Americanwallpaper  
decorate today  
Decoratetoday  
decoratetoday .com  
Decoratetodaycom

american blind and wall covering  
american blind and wallpaper co  
american blind and wallpaper discount  
american blind and wallpaper factory discount  
american blind company  
american blind factory  
american blind wallpaper company  
american home decorating  
american wallpaper  
american wallpaper company  
american wallpaper factory  
americanblindfactory.com  
americanhomedecorating.com  
americanwallpaperfactory.com  
decorate today discount  
decorate today.com  
decoratetoday com  
decoratetoday.com

In light of the foregoing, we request that you immediately cease selling ABWM's proprietary marks and marks similar thereto (as set forth above) to **The Blind Factory** and immediately remove the referenced keywords from their program. In the event our request is not complied with in the next 7 days we will have no choice but to involve our legal department.

I will follow up with a telephone call tomorrow to answer any questions that you may have and to confirm that you are going to comply with our request.

Sincerely,

# American

**Blinds, Wallpaper & More**

Joe Charno  
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American Blinds, Wallpaper & More  
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