

2010-02-11

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

3 Radicals
Attn: Polly Faenol
[REDACTED] Surbiton, [REDACTED] LONDON, UK

3 Radicals c/o Domains by Proxy, Inc.
DomainsByProxy.com, 15111 N. Hayden Rd., Ste 160, PMB 353
Scottsdale, Arizona 85260 USA

Re: [REDACTED], v. 3 Radicals

To Whom It May Concern:

[REDACTED] ([REDACTED]) is the owner of United States Federal Trademark Registration(s) No. 753003871 and *numerous other trademark registrations pertaining to the mark. [REDACTED] uses this mark in the United States in conjunction with independent consultation and strategic advice. [REDACTED] Associates's federal registration has been in full effect for over 11 years. A copy of the federal trademark registration data is attached for your reference as Exhibit A. [REDACTED] owns the domain name [REDACTED], which is an operating commercial website.

[REDACTED] recently discovered that 3 Radicals ("3 Radicals") has registered and is using www.surbiton.com (collectively the "Domain Name") as a World Wide Web domain name in violation of the Anticybersquatting Consumer Protection Act of 1999, which is embodied in the Lanham Act. You can find the ACPA at <http://www4.law.cornell.edu/uscode/15/1129.html>. Furthermore, 3 Radicals is intentionally trading on the goodwill of [REDACTED] by using a trademark that is confusingly similar to [REDACTED]

It is clear that 3 Radicals's use of the Domain Name is intended to (and actually does) confuse and misdirect customers seeking [REDACTED] website to 3 Radicals's website, while ensuring that 3 Radicals's customers are not confused. This activity is actionable under federal law and causes 3 Radicals to be liable to [REDACTED] in every state in which 3 Radicals has made sales. 3 Radicals's activities are unlawful and constitute unfair competition, intentional trademark infringement, trademark dilution, false designation of origin and cybersquatting.

The Lanham Act provides numerous remedies for trademark infringement and dilution, including, but not limited to, preliminary and permanent injunctive relief, money damages, a defendant's profits, provisions for the destruction or confiscation

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of infringing products and promotional materials, and where intentional infringement is shown (as would be the case here), attorneys' fees and possible treble money damages.

[REDACTED] has several options to enforce its legal rights. It can submit the matter to the Internet Corporation for Assigned Names and Numbers to be resolved under its Uniform Domain Name Dispute Resolution Policy (the "Policy") and seek a ruling that the Domain Name be transferred to [REDACTED]. The Policy can be found at <http://www.icann.org/udrp/udrp-policy-24oct99.htm>.

Second, [REDACTED] can file a lawsuit against 3 Radicals seeking: (i) preliminary and permanent injunctions, (ii) money damages, (iii) compensation equal to 3 Radicals's profits, (iv) reimbursement for [REDACTED] attorney's fees (because of 3 Radicals's blatant and intentional acts), and (v) a court order that 3 Radicals transfer the Domain Name to [REDACTED] and that 3 Radicals compensate [REDACTED] for damage to [REDACTED] goodwill.

[REDACTED] prefers to resolve this matter without taking legal action, but it is prepared to file a lawsuit if necessary to protect its rights and business. 3 Radicals may avoid legal action by having an authorized representative of 3 Radicals sign this letter where indicated below and return the signed letter to me on or before April 1st, 2010.

This letter is sent without prejudice to [REDACTED] rights and claims, all of which are expressly reserved. I am sending you a copy of this letter by regular first class mail in case you refuse to accept the certified mail, return receipt requested version of this letter.

[REDACTED]

cc: [REDACTED]

The undersigned covenants to take the following actions immediately: (i) transfer any and all rights of the undersigned in and to the following domain names to [REDACTED]: surbiton.com (collectively the "Domain Name"); and (ii) cease and desist from any and all use of the Domain Name.

Dated: Feb 4th, 2010.

3 Radicals

By: Polley Faerol

Its: Partner

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