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VIA ELECTRONIC MAIL

Attn: Legal Department or Copyright Agent

Liberty Maniacs

Email: contact@libertymaniacs.com

Re: Unauthorized Use of Trader Joe's Trademarks and Copyright

To Whom It May Concern:

We represent the Trader Joe's Company, Inc. ("Trader Joe's") in certain of its intellectual property matters. Trader Joe's is the owner of several United States federal trademark registrations for the mark TRADER JOE'S for retail grocery services and for a range of food and beverage products and associated merchandise. For more than forty years, Trader Joe's has worked tirelessly to assure that the TRADER JOE'S mark is associated only with goods and services of the highest quality. To achieve this mission, Trader Joe's maintains strict standards and tightly controls the sale of food and other products bearing the TRADER JOE'S mark.

It has come to our attention that certain products are being offered for sale on the website <https://libertymaniacs.com/products/traitor-joe-biden-short-sleeve-unisex-t-shirt> ("Website") that infringe Trader Joe's rights and therefore must be removed. We hereby submit this takedown notice pursuant to the Digital Millennium Copyright Act ("DMCA") and the Lanham Act and demand you remove the improper listings and associated images.

Trader Joe's infringed intellectual property. Trader Joe's owns several federal trademark registrations for its famous TRADER JOE'S logo, such as U.S. Trademark Registration No. 5,221,626. Trader Joe's also owns substantial common law trademark rights covering use of the famous TRADER JOE'S logo and TRADER JOE'S word mark on a variety of products, including apparel and home goods. Trader Joe's also owns the copyright in the artwork of the logo. An example of Trader Joe's logo is below:



Infringements located on the Website. The Website features products offered for sale and associated images bearing a “Traitor Joe” design that looks very similar to the trademarked and copyrighted TRADER JOE’S logo. An example is set forth below, compared to the authentic logo owned by Trader Joe’s:

	
<p>https://libertymaniacs.com/products/traitor-joe-biden-short-sleeve-unisex-t-shirt</p>	<p>Trader Joe’s logo, e.g., Trademark Reg. No. 5,221,626</p>

The complete list of URLs that display products and associated images that infringe Trader Joe’s trademarks and copyrights on the Website is below:

- <https://libertymaniacs.com/products/traitor-joe-biden-short-sleeve-unisex-t-shirt>

You must remove the infringing “Traitor Joe” products from the Website. As the side-by-side comparison above shows, the “Traitor Joe” products offered for sale on the Website use very similar font, color, concentric circle border, and general composition as the Trader Joe’s logo. We are concerned that the combination of these elements, as well as the phonetic similarity between the word “Traitor” as compared to “Trader,” is likely to tie the Trader Joe’s brand to a perceived association with “Traitor Joe” in the minds of consumers and impugn Trader Joe’s products and services.

Trader Joe’s has not authorized or licensed the sale of these products. In fact, Trader Joe’s does not authorize any resale of any product bearing the TRADER JOE’S trademarks or any confusingly similar marks.

We therefore request that, pursuant to Section 512(c) of the DMCA (17 U.S.C. § 512(c)) and Sections 1115, 1117, and 1125(a) of the Lanham Act (16 U.S.C. §§1115, 1117, 1125(a)), you

remove or disable access to the infringing URLs listed above and cease and desist any further sale of the infringing products.

We further request you confirm in writing that you will no longer allow any postings for the sale of products bearing the term "Traitor Joe" on the Website. Such products are likely to confuse consumers into believing that Trader Joe's has authorized you and/or other sellers on the Website to sell these products or that Trader Joe's sponsors, endorses, or is otherwise affiliated with them or the "Traitor Joe" products, when no such relationship exists. Copying Trader Joe's logo, word marks, and expressive designs in this way violates Trader Joe's rights under the Lanham Act, the Copyright Act, consumer protection statutes, and common law, and it must not be allowed to continue.

I have a good faith belief that use of the copyrighted materials described above on the infringing web pages identified in this letter is not authorized by the copyright owner, its agent, or the law. I swear under penalty of perjury that the information in this notification is accurate and that I am authorized to act on behalf of the copyright and trademark owner of the exclusive rights that are infringed.

Please contact the undersigned if you have any question or wish to discuss the matter further. Your prompt response is appreciated.

Nothing in this letter is intended or shall be construed to constitute an express or implied waiver of any rights or remedies that Trader Joe's may possess in connection with this matter, all of which are hereby expressly reserved. In addition, this letter is not intended to be a complete recitation of the facts upon which this matter is based.

Very truly yours,

/s/ Brian M. Berliner

Brian M. Berliner
Of Counsel
for O'MELVENY & MYERS LLP