

CONLEY ROSE

A Professional Corporation

DALLAS OFFICE

INTELLECTUAL PROPERTY LAW
INCLUDING PATENTS, TRADEMARKS,
COPYRIGHTS AND UNFAIR COMPETITION

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September 9, 2014

***First Class Mail and
Certified Mail, Return Receipt Requested***

Magnovo, LLC
Robert Jackson
April Jackson
Collette Johnston
12125 E 65th St
Indianapolis, IN 46236

Re: BUILD-A-BIKE® Trademark Rights
Owner: Doug Staneart
Conley Rose File: 4456-00800

My firm represents Doug Staneart in his intellectual property matters. As you know, Mr. Staneart is in the business of providing educational, training and coaching services in the field of personal and professional development, leadership, communication and team building skills for individuals and groups. Mr. Staneart provides these services under multiple trademarks, including his BUILD-A-BIKE® mark. He has developed substantial rights and goodwill in his marks and is committed to protecting such rights and goodwill.

You should know that Mr. Staneart began using his BUILD-A-BIKE® mark almost nine (9) years ago, at least as early as October 15, 2005, and his use has been continuous to date. Mr. Staneart offers his BUILD-A-BIKE® services to individuals and organizations throughout the United States. Under U.S. trademark law, the protection offered to my client allows him to prevent any party from subsequently using the same or similar marks in connection with the same or similar goods and services. Included in Mr. Staneart's trademark rights are the following U.S. Trademark Registrations:

BUILD-A-BIKE, U.S. Trademark Registration No. 3,535,706, Registered November 18, 2008. **(Exhibit 1)**

BUILD-A-BIKE, U.S. Trademark Registration No. 4,542,884, Registered June 3, 2014. **(Exhibit 2)**

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It is therefore a matter of grave concern to learn that you and Magnovo, LLC are providing services in competition with my client using his own BUILD-A-BIKE® mark. Indeed, the internet is filled with unauthorized and impermissible uses of my client's BUILD-A-BIKE® mark, and variations thereof, to market and sell your and Magnovo's services. Examples of the websites and impermissible uses of which I am specifically aware, are detailed below and copies of the website pages are enclosed.

Magnovo Controlled Websites

Your use of the BUILD-A-BIKE® mark and variations thereof in connection with directly competitive services advertised at the following websites is not only an infringement of the BUILD-A-BIKE® mark, but worse, is a pattern of egregious willfully infringing behavior for which my client intends to hold you accountable.

Use on <http://magnovo.com/charity-team-building/bicycle-team-building> (*Exhibit 3*):

The website <http://magnovo.com/charity-team-building/bicycle-team-building>, while promoting Magnovo's "Bike-A-Thon," nonetheless puts to use the BUILD-A-BIKE® mark when it states, "...When you see executives working together with their employees to build a bike knowing it will go to a deserving child..."

Further, and perhaps more telling of the willful infringement of the BUILD-A-BIKE® mark is the fact that many other infringing websites redirect internet users to <http://magnovo.com/charity-team-building/bicycle-team-building> and/or <http://magnovo.com>.

Use on <http://letsbuildabike.com> (*Exhibit 4*):

The website <http://letsbuildabike.com/> appears to have over 10 pages and displays

 **Let's Build a Bike!** on the top of each page.

The BUILD-A-BIKE® mark appears in the URL, title, text, and pictures of every page of the website. On the homepage alone, the BUILD-A-BIKE® mark appears to be used 30 times. On internal pages, the BUILD-A-BIKE® mark appears to be used over 15 times on each page.

This website alone has multiple trademark infringements using the term "Build A Bike".

Further, this website clearly associates with Magnovo by including Magnovo Training Group logos at the bottom of the page, providing a "Magnovo" text link to <http://magnovo.com>, and by providing a "Contact" text link to a webpage at

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<http://letsbuildabike.com/contact-us/> (*Exhibit 5*) which provides Magnovo's physical address and phone numbers.

Still further, the link between <http://letsbuildabike.com> and Magnovo is evidenced by the near identical overall style and format of the webpage designs.

Finally, the linkage between <http://letsbuildabike.com> and Magnovo cannot be denied as the domain itself is registered to Robert Jackson who has listed Magnovo's physical address, Magnovo's phone number, and a Magnovo based email address as evidenced at <http://whois.domaintools.com/letsbuildabike.com> (*Exhibit 6*).

Use on <http://bicycleteambuildingevents.com> (*Exhibit 7*):

The website <http://bicycleteambuildingevents.com> appears to have almost 90 pages, and each of the pages has the term "Build A Bike" embedded at least once. The homepage appears to have over 20 instances of the term in the text version (page source) that search engines read.

The term "Build a Bike for Charity" appears to be in the title of every page of the website.

The Bike-A-Thon logo just under the large picture at the top has the words "Bicycle Team Building Events Build A Bike Workshop" as both the alternate (the text that appears when the cursor is moved over the image) and the title of the picture file.

The picture immediately under this logo of the people jumping is located at the URL <http://bicycleteambuildingevents.com/wp-content/themes/magnovo/images/tbevents/Bicycle-Team-Building-Events-Build-A-Bike-Group-Jump.jpg>.

The text associated with the picture of the child with glasses is "Magnovo's Bike-A-Thon Bicycle Team Building Events Build A Bike workshop presents another bicycle to a deserving child."

Even on pages where no "Build A Bike" text appears visible, there appears to be over five instances of the term in the title and other metatags of the page.

This website alone has multiple trademark infringements using the term "Build A Bike".

Use on <http://bicycle-team-building.com> (*Exhibit 8*):

The website <http://bicycle-team-building.com> appears to be a duplicate of <http://bicycleteambuildingevents.com> with a different logo.

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Still further, the link between <http://bicycle-team-building.com> and Magnovo is evidenced by the near identical overall style and format of the webpage designs.

Finally, the linkage between <http://bicycle-team-building.com> and Magnovo cannot be denied as the domain itself is registered to Robert Jackson who has listed Magnovo's physical address, Magnovo's phone number, and a Magnovo based email address as evidenced at <http://whois.domaintools.com/bicycle-team-building.com> (*Exhibit 9*).

Use on <http://charitybuildabike.com> (*Exhibit 10*):

The website <http://charitybuildabike.com> comprises a mere 57 words in total but nonetheless does not fail to accomplish five infringing uses of the term Build-A-Bike when the domain name itself is included.

Further, the webpage provides a "Contact Us" text link that redirects to <http://magnovo.com/contact-us/> (*Exhibit 11*).

Finally, the linkage between <http://charitybuildabike.com> and Magnovo cannot be denied as the domain itself is registered to Robert Jackson who has listed Magnovo's physical address, Magnovo's phone number, and a Magnovo based email address as evidenced at <http://whois.domaintools.com/charitybuildabike.com> (*Exhibit 12*).

Use on <http://www.annarborteambuilding.com/bicycle-team-building> (*Exhibit 13*):

The website <http://www.annarborteambuilding.com/bicycle-team-building> puts to use the mark, "BUILD-A-BIKE" when it states, "...When you see executives working together with their employees to build a bike knowing it will go to a deserving child..."

The website also utilizes two Magnovo marks, namely, Magnovo's square-dotted-spiral



mark, and Mangovo's "Bike-A-Thon" mark,



Finally, the linkage between <http://www.annarborteambuilding.com/bicycle-team-building> and Magnovo cannot be denied as the domain itself is registered to Robert Jackson who has listed Magnovo's physical address, Magnovo's phone number, and a Magnovo based email address as evidenced at <http://whois.domaintools.com/annarborteambuilding.com> (*Exhibit 14*).

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Use on <http://www.bicycleteambuildinginc.com> (*Exhibit 15*):

The website <http://www.bicycleteambuildinginc.com> puts to use the mark, “BUILD-A-BIKE” when it states, “When you see executives working together with their employees to build a bike knowing it will go to a deserving child...”

The website also utilizes two Magnovo marks, namely, Magnovo’s square-dotted-spiral

mark,  , and Mangovo’s “Bike-A-Thon” mark,

 . Further, the website states that the website is “brought to you by the Magnovo Training Group” as well as utilizes the Magnovo Training Group mark,



Finally, the linkage between <http://www.bicycleteambuildinginc.com> and Magnovo cannot be denied as the domain itself is registered to Robert Jackson who has listed Magnovo’s physical address, Magnovo’s phone number, and a Magnovo based email address as evidenced at <http://whois.domaintools.com/bicycleteambuildinginc.com> (*Exhibit 16*).

Use on <http://www.buildabikecharity.com> (*Exhibit 17*):

The website <http://www.buildabikecharity.com> puts to use the mark, “BUILD-A-BIKE” not only in the domain name itself, but at least five times in the website content,

including in the mark, 

The linkage between <http://www.buildabikecharity.com> and Magnovo cannot be denied as the domain itself is registered to Robert Jackson who has listed Magnovo’s physical address, Magnovo’s phone number, and a Magnovo based email address as evidenced at <http://whois.domaintools.com/buildabikecharity.com> (*Exhibit 18*).

Use on <http://www.buildabikeforcharity.com> (*Exhibit 19*):

The website <http://www.buildabikeforcharity.com> puts to use the mark, “BUILD-A-BIKE” not only in the domain name itself, but at least four times in the website content,

including in the mark, 

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The linkage between <http://www.buildabikeforcharity.com> and Magnovo cannot be denied as the domain itself is registered to Robert Jackson who has listed Magnovo's physical address, Magnovo's phone number, and a Magnovo based email address as evidenced at <http://whois.domaintools.com/buildabikeforcharity.com> (*Exhibit 20*).

Use on <http://charityteambuildingevents.com/bicycle-team-building> (*Exhibit 21*):

The website <http://charityteambuildingevents.com/bicycle-team-building> not only uses the BUILD-A-BIKE mark at least twice in the body of the website, it also utilizes two Magnovo marks, namely, Magnovo's "square-dotted-spiral" mark,



, and Mangovo's "Bike-A-Thon" mark,



The linkage between <http://charityteambuildingevents.com/bicycle-team-building> and Magnovo cannot be denied as the domain itself is registered to Robert Jackson who has listed Magnovo's physical address, Magnovo's phone number, and a Magnovo based email address as evidenced at <http://whois.domaintools.com/charityteambuildingevents.com> (*Exhibit 22*).

Use on <http://www.charityteambuildinginc.com> (*Exhibit 23*):

The website utilizes Magnovo's "square-dotted-spiral" mark,



, and Mangovo's "Bike-A-Thon" mark,



. Further, the website states that the website is "brought to you by the Magnovo Training Group" as well as utilizes the Magnovo mark,



While the website does not appear to utilize the BUILD-A-BIKE mark directly, a text link to "Bicycle Team Building" redirects to <http://charityteambuildingevents.com/bicycle-team-building> which is described above as infringing the BUILD-A-BIKE mark.

Finally, the linkage between <http://www.charityteambuildinginc.com> and Magnovo cannot be denied as the domain itself is registered to Robert Jackson who has listed Magnovo's physical address, Magnovo's phone number, and a Magnovo based email address as evidenced at <http://whois.domaintools.com/charityteambuildinginc.com> (*Exhibit 24*).

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Use on <http://www.corporate-team-building-activities.com> (*Exhibit 25*):

While the website does not appear to utilize the BUILD-A-BIKE mark directly, a text link to “Charity Team Building” and then a text link to “Bicycle Team Building” redirects to <http://bicycleteambuildingevents.com> which is described above as infringing the BUILD-A-BIKE mark.

Finally, the linkage between <http://www.corporate-team-building-activities.com> and Magnovo cannot be denied as the domain itself is registered to Robert Jackson who has listed Magnovo’s physical address, Magnovo’s phone number, and a Magnovo based email address as evidenced at <http://whois.domaintools.com/corporate-team-building-activities.com> (*Exhibit 26*).

Use on <http://www.corporate-team-building-events.com> (*Exhibit 27*):

The website utilizes two Magnovo marks, namely, Magnovo’s “square-dotted-spiral”

mark,  , and Mangovo’s Magnovo Training Group mark,



Further, the webpage provides a “Contact Us” text link that redirects to <http://magnovo.com/contact-us/>.

While the website may not directly infringe the BUILD-A-BIKE mark, the website provides a “Bicycle Team Building” text link to the infringing <http://bicycleteambuildingevents.com> and a “Charity Team Building” text link to the infringing <http://charityteambuildingevents.com>.

The linkage between <http://www.corporate-team-building-events.com> and Magnovo cannot be denied as the domain itself is registered to Robert Jackson who has listed Magnovo’s physical address, Magnovo’s phone number, and a Magnovo based email address as evidenced at <http://whois.domaintools.com/corporate-team-building-events.com> (*Exhibit 28*) and the website security is managed on behalf of Magnovo by

SiteLock as evidenced by the inclusion of the graphic, .



On this website, even the social networking graphics, , link to Magnovo controlled content at <http://facebook.com/magnovotraining>, <http://twitter.com/magnovotraining>, <http://www.linkedin.com/company/magnovo>.

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training-group, <http://www.youtube.com/user/magnovotraining>,
<https://plus.google.com/+Magnovo/posts>, <http://www.pinterest.com/magnovotraining/>,
<http://www.stumbleupon.com/stumbler/magnovo>, and <http://magnovo.tumblr.com/>.

Use on <http://www.corporateteambuildinginc.com> (*Exhibit 29*):

The website utilizes two Magnovo marks, namely, Magnovo's "square-dotted-spiral"


mark,  , and Mangovo's Magnovo Training Group mark,

Further, the webpage provides a "Contact Us" text link that redirects to <http://magnovo.com/contact-us/>.

While the website may not directly infringe the BUILD-A-BIKE mark, the website generally steers consumers to other Magnovo controlled websites that do infringe the BUILD-A-BIKE mark.

The linkage between <http://www.corporateteambuildinginc.com> and Magnovo cannot be denied as the domain itself is registered to Robert Jackson who has listed Magnovo's physical address, Magnovo's phone number, and a Magnovo based email address as evidenced at <http://whois.domaintools.com/corporateteambuildinginc.com> (*Exhibit 30*) and the website security is managed on behalf of Magnovo by SiteLock as evidenced

by the inclusion of the graphic,



On this website, even the social networking graphics, , link to Magnovo controlled content at <http://facebook.com/magnovotraining>, <http://twitter.com/magnovotraining>, <http://www.linkedin.com/company/magnovo-training-group>, <http://www.youtube.com/user/magnovotraining>, <https://plus.google.com/+Magnovo/posts>, <http://www.pinterest.com/magnovotraining/>, <http://www.stumbleupon.com/stumbler/magnovo>, and <http://magnovo.tumblr.com/>.

Use on <http://www.detroitteambuilding.com> (*Exhibit 31*):

While the website may not directly infringe the BUILD-A-BIKE mark, the website

utilizes Mangovo's "Bike-A-Thon" mark,  , and directs consumers

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to infringing Magnovo content using graphics, [REDACTED], to link to Magnovo controlled content at <http://facebook.com/magnovotraining>, <http://www.linkedin.com/company/magnovo-training-group>, <http://twitter.com/magnovotraining>, <http://www.youtube.com/user/magnovotraining>, <https://plus.google.com/+Magnaovo/posts>, and <http://www.pinterest.com/magnovotraining>.

The linkage between <http://www.detroitteambuilding.com> and Magnovo cannot be denied as the domain itself is registered to Robert Jackson who has listed Magnovo's physical address, Magnovo's phone number, and a Magnovo based email address as evidenced at <http://whois.domaintools.com/detroitteambuilding.com> (**Exhibit 32**).

Use on <http://www.funbicycleteambuilding.com> (**Exhibit 33**):



The website utilizes Magnovo's "square-dotted-spiral" mark,

Further, at <http://www.funbicycleteambuilding.com/how-bicycle-team-building-works/>, the text content infringes the BUILD-A-BIKE mark by reciting, "Does it really take two hours to build a bike?" (**Exhibit 34**)

The linkage between <http://www.corporate-team-building-events.com> and Magnovo cannot be denied as the domain itself is registered to Robert Jackson who has listed Magnovo's physical address, Magnovo's phone number, and a Magnovo based email address as evidenced at <http://whois.domaintools.com/funbicycleteambuilding.com> (**Exhibit 35**).

Use on <http://funteambuildingevents.com> (**Exhibit 36**):

The website utilizes Magnovo's "square-dotted-spiral" mark and the Magnovo mark, . The Team Events Charity Building logo features a stylized person icon and the text "TEAM EVENTS" and "CHARITY BUILDING" with a small "brought to you by the Magnovo Training Group" note. The Magnovo Training Group logo features a stylized person icon and the text "MAGNOVO TRAINING GROUP".

While the website does not appear to utilize the BUILD-A-BIKE mark directly, a text link to "Bicycles" redirects to <http://bicycleteambuildingevents.com> which is described above as infringing the BUILD-A-BIKE mark.

Finally, the linkage between <http://www.funteambuildingevents.com> and Magnovo cannot be denied as the domain itself is registered to Robert Jackson who has listed Magnovo's physical address, Magnovo's phone number, and a Magnovo based email address as evidenced at <http://whois.domaintools.com/funteambuildingevents.com> (**Exhibit 37**).

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Use on <http://www.holidayteambuilding.com> (*Exhibit 38*):



The website utilizes the Magnovo mark, [REDACTED], which statetess that the website is “brought to you by the Magnovo Training Group.” The website also uses



the Magnovo mark, [REDACTED], which uses the Magnovo “square-dotted-spiral.”

While the website further provides a text link, “Holiday Bike Building,” under the “Charity Team Building” heading and links to <http://holidayteambuilding.com/build-a-bike> (*Exhibit 39*) which infringes the Build-A-Bike mark four times, namely, three times in the text content of the website (“Bicycle Team Building – Build A Bike For Charity,” “...Why not build a bike that...,” and “...see a team of executives working together to build a bike knowing it will go to a child this holiday season...”) and once in the web address or URL itself.

The linkage between <http://www.holidayteambuilding.com> and Magnovo cannot be denied as the domain itself is registered to Robert Jackson who has listed Magnovo’s physical address, Magnovo’s phone number, and a Magnovo based email address as evidenced at <http://whois.domaintools.com/holidayteambuilding.com> (*Exhibit 40*) and the website security is managed on behalf of Magnovo by SiteLock as evidenced by the



inclusion of the graphic, [REDACTED].

Use on <http://www.holidayteambuilding.net>:

This website redirects to <http://www.holidayteambuilding.com> which is described above as infringing the Build-A-Bike mark.

The linkage between <http://www.holidayteambuilding.net> and Magnovo cannot be denied as the domain itself is registered to Robert Jackson who has listed Magnovo’s physical address, Magnovo’s phone number, and a Magnovo based email address as evidenced at <http://whois.domaintools.com/holidayteambuilding.net> (*Exhibit 41*).

Use on <http://www.holidayteambuilding.org>:

This website redirects to <http://www.holidayteambuilding.com> which is described above as infringing the Build-A-Bike mark.

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The linkage between <http://www.holidayteambuilding.org> and Magnovo cannot be denied as the domain itself is registered to Robert Jackson who has listed Magnovo's physical address, Magnovo's phone number, and a Magnovo based email address as evidenced at <http://whois.domaintools.com/holidayteambuilding.org> (*Exhibit 42*).

Use on <http://www.magnovocharityteambuilding.com>:

This website redirects to <http://www.holidayteambuilding.com> which is described above as infringing the Build-A-Bike mark.

The linkage between <http://www.holidayteambuilding.org> and Magnovo cannot be denied as the domain itself is registered to Robert Jackson who has listed Magnovo's physical address, Magnovo's phone number, and a Magnovo based email address as evidenced at <http://whois.domaintools.com/magnovocharityteambuilding.com> (*Exhibit 43*).

Use on <http://www.teambuildingann Arbor.com> (*Exhibit 44*):



The website utilizes the Magnovo mark, , which uses the Magnovo "square-dotted-spiral."



The website also uses the Magnovo mark, , which uses the Magnovo "square-dotted-spiral."

While the website further provides a text link, "Bike-A-Thon," and links to <http://www.teambuildingann Arbor.com/bicycle-team-building> (*Exhibit 45*) which infringes the Build-A-Bike mark by stating "...to build a bike knowing it will go to a deserving child..."

The linkage between <http://www.teambuildingann Arbor.com> and Magnovo cannot be denied as the domain itself is registered to Robert Jackson who has listed Magnovo's physical address, Magnovo's phone number, and a Magnovo based email address as evidenced at <http://whois.domaintools.com/teambuildingann Arbor.com> (*Exhibit 46*) and the website security is managed on behalf of Magnovo by SiteLock as evidenced by the



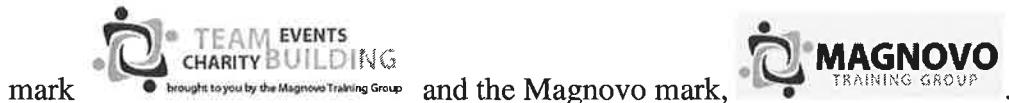
inclusion of the graphic, .

Use on <http://teambuildingfacilitators.com> (*Exhibit 47*):

The website utilizes Magnovo's "square-dotted-spiral"

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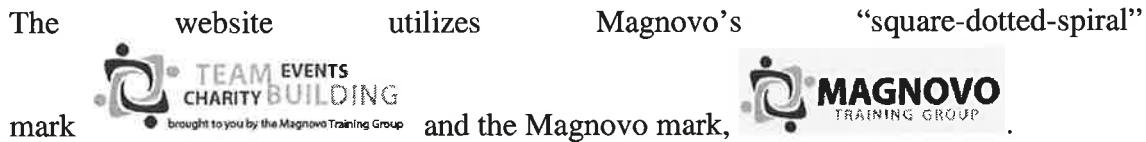
While the website does not appear to utilize the BUILD-A-BIKE mark directly, the



social networking graphics, link to infringing Magnovo controlled content at <http://facebook.com/magnovotraining>, <http://twitter.com/magnovotraining>, <http://www.linkedin.com/company/magnovo-training-group>, <http://www.youtube.com/user/magnovotraining>, <https://plus.google.com/+Magnovo/posts>, <http://www.pinterest.com/magnovotraining>, <http://www.stumbleupon.com/stumbler/magnovo>, and <http://magnovo.tumblr.com/>.

Finally, the linkage between <http://www.teambuildingfacilitators.com> and Magnovo cannot be denied as the domain itself is registered to Robert Jackson who has listed Magnovo's physical address, Magnovo's phone number, and a Magnovo based email address as evidenced at <http://whois.domaintools.com/teambuildingfacilitators.com> (**Exhibit 48**).

Use on <http://teambuildinginnovators.com> (**Exhibit 49**):



While the website does not appear to utilize the BUILD-A-BIKE mark directly, the



social networking graphics, link to infringing Magnovo controlled content at <http://facebook.com/magnovotraining>, <http://twitter.com/magnovotraining>, <http://www.linkedin.com/company/magnovo-training-group>, <http://www.youtube.com/user/magnovotraining>, <https://plus.google.com/+Magnovo/posts>, <http://www.pinterest.com/magnovotraining>, <http://www.stumbleupon.com/stumbler/magnovo>, and <http://magnovo.tumblr.com/>.

Finally, the linkage between <http://www.teambuildinginnovators.com> and Magnovo cannot be denied as the domain itself is registered to Robert Jackson who has listed Magnovo's physical address, Magnovo's phone number, and a Magnovo based email address as evidenced at <http://whois.domaintools.com/teambuildinginnovators.com> (**Exhibit 50**).

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Magnovo Controlled Use on Third Party Websites:

Even third party websites comprise infringing content apparently directly managed and/or facilitated by Magnovo, LLC and/or its authorized representatives as follows:

<https://www.youtube.com/watch?v=5DtABi4-tJ8> (***Exhibit 51***) - Under the user name, "Magnovo Training Group," you posted a video describing your services and included text that reads, "...watching these teams build a bike outdoors in the warm California sunshine was a real hoot!"

<https://www.youtube.com/watch?v=5NDWmKtI9l0> (***Exhibit 52***) - Under the user name, "Magnovo Training Group," you posted a video describing your services and included text that reads, "...as these hard workers pitch in to build a bike for a needy kid..."

<http://magnovo.tumblr.com/post/86517383930/helpful-new-article-has-been-published-on-bicycle-team> (***Exhibit 53***) - Under the user name, "magnovo," you posted an article which includes "...Let's Build a Bike!" in the title and the Twitter hash tag, "#build a bike" describing your services and included text that reads, "...as these hard workers pitch in to build a bike for a needy kid..."

<http://bibbsdavison317.wordpress.com/tag/build-a-bike-team-building/> (***Exhibit 54***) - Under the user name, "Team Building Activity," you posted an article which describes your services and includes "build a bike" in both a descriptive content tag as well as the entirety of a photo caption. It appears there may also be secondary account associated with this use, namely, "bibbsdavison317."

<http://www.prweb.com/releases/professional-development/team-building-activities/prweb11231641.htm> (***Exhibit 55***) – This website presents content apparently provided by Collette Johnston (of Magnovo) and the content includes the statement that "she first experienced charity team building workshops like bike building and derived great enjoyment from watching a corporate executive build a bike which was then given to a child..."

<http://www.socialnightlife.com/index.php?pg=searchvideo&v=5NDWmKtI9l0> (***Exhibit 56***) – This website hosts a video posted by a user named "Magnovo Training Group" and the description of the video states that "...these hard workers pitch in to build a bike for a needy kid..."

<http://launch.it/node/340021> (***Exhibit 57***) - This website is apparently a self-publishing service platform which Magnovo used to issue a press release that describes their services by stating "...participants work together to build a bike..." The website provides contact information for Magnovo Training Group.

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<https://www.linkedin.com/company/magnovo-training-group> (***Exhibit 58***) – Under a user account “Magnovo Training Group,” Magnovo posted a link to bicycle-team-building.com which Magnovo tagged and/or partially titled “Let’s Build a Bike!”

Online Use in Which Magnovo Services Referred to as “Build a Bike”

The following websites comprise infringing content which refers to Magnovo’s services as “Build A Bike”:

<http://www.adagamov.com/?p=292> (***Exhibit 59***) – An “admin” of this website had described Magnovo’s services and had blatantly referred to those services as “build a bike.” Further, the website invited readers to “enroll now at build a bike for this amazing experience.”

<http://www.slideshare.net/elonoreingle828/how-to-plan-team-building-activities> (***Exhibit 60***) - The transcript of a shared PowerPoint slideshow states, “to know more about build a bike team building, please visit...” This website may be maintained by a user, “elonoreingle828.”

[http://issuu.com/kettireaves60/docs/how to plan team building activitie](http://issuu.com/kettireaves60/docs/how_to_plan_team_building_activitie) (***Exhibit 61***) - A user named “Reiche Lstetson” apparently posted a slide presentation related to Magnovo’s services and states that “to know more about build a bike team building, please visit this link: <http://magnovo.com/charity-team-building/bicycle-team-building/>.”

<http://www.pinakoteka.ru/?cat=168> (***Exhibit 62***) – At this website, an advertisement appears to present the text of “magnovo.com” along with a link presented as “build a bike” which points to <http://magnovo.com/charity-team-building/bicycle-team-building/>.

<http://www.ripleonline.com/?p=293> (***Exhibit 63***) – At this website, an “admin” of the website posted description of Magnovo’s services and tagged article with “build a bike.” The website further states that “at build a bike we deliver professional development training workshops...”

<http://www.onenewspage.com/n/Press+Releases/74w2qx7g7/Team-Building-Company-Magnovo-Training-Group-Welcomes-Colette.htm> (***Exhibit 64***) - This website presents content apparently regarding Collette Johnston (of Magnovo) and the content includes the statement that “she first experienced charity team building workshops like bike building and derived great enjoyment from watching a corporate executive build a bike which was then given to a child...” This website also presented an advertisement in which the tag “Build A Bike” produced a link to bicycle-team-building.com/charity. The advertisement is identifiable as a Google AdWords ad by the URL:

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[<http://www.onenewspage.com/n/Press+Releases/74w2r2onw/Magnovo-Training-Group-Launches-Holiday-Team-Building-Website.htm> \(*Exhibit 65*\) - This website describes Magnovo's services and provides a link to <http://www.holidayteambuilding.com/>. This website utilizes the phrase, "...to build a bike for a needy kid..." This website also presented an advertisement in which the tag "Build A Bike" produced a link to \[bicycle-team-building.com/charity\]\(http://www.bicycle-team-building.com/charity\). The advertisement is identifiable as a Google AdWords ad by the URL:
\[<http://www.digitaljournal.com/pr/1527116> \\(*Exhibit 66*\\) - This website presents content apparently regarding Collette Johnston \\(of Magnovo\\) and the content includes the statement that "she first experienced charity team building workshops like bike building and derived great enjoyment from watching a corporate executive build a bike which was then given to a child..." This website also presented an advertisement in which the tag "Build A Bike" produced a link to \\[bicycle-team-building.com/charity\\]\\(http://www.bicycle-team-building.com/charity\\). The advertisement is identifiable as a Google AdWords ad by the URL:
<a href="http://www.googleadservices.com/pagead/aclk?sa=L&ai=Cv0He3daUU5OdIcPRIAe4oo DABfnAyswEsYORj7MB4a2RktgCEAEgoZCTA1CJqrxFYMme5YzkpMAToAHnw b3VA8gBAeACAKgDAcgDnwSqBKUBT9C-2ZADD87ousLubdCo-y5RZfjNrnI-GfJm9WjGihBg5HJSFB1ThkD2eiXm5GDm350jOcjqtNltIMz-3ppR2_9B1AQRJUIPGI1cJFaN65d76KWbq0Lwyt95KxfmD9TWWWeWNoBRLP9LifYN vA8MUPuJDQQbg4EHQMcHnZPmWixPrA0MjaerXtDSgQyBs-Hsas-RgKH9CL09mGncopEJel_YogfAa4AQBiAYBgAeBvsIq&num=1&cid=5Gg7BogZton\]\(http://www.googleadservices.com/pagead/aclk?sa=L&ai=ClpsCc9eUU4q7EIealATnzYC AAvgAyswEqYSRj7MB4a2RktgCEAEg9ca4A1CJqrxFYMme5YzkpMAToAHnw b3VA8gBAagDAcgDwwSqBNIBT9DdGbol4TCWGexjr4PQqdmXipKX1Nksemg9ZNVldKa3Zxt9yJu0UNq0M5yPQs9xOHFu9w2aiSE8DW7VmpElgnycABp6IsKv0clD113nQr_076UpPTDaY7wYhEVbSYAgHt_zPKGjTXcReYNjOLpwhQcpMOWth2tCH44vbHPjtg L8mooBk-KoQaViM-wY41Md0yHXddYdAqKr_VCqFyrbBvr933eMaRLKJ4jeqxLcVd7VN0mB1Le1MiftF66 94-sVl2rX55PHHANeniGzUHwfJbjBiAYBgAeBvsIq&num=1&cid=5Gj_iGBRQoXSD-29VS9ketXU&sig=AOD64_3EKZ54LiTIXTunqvdhBRyi_aNvHQ&client=ca-pub-4985447070160925&adurl=http://www.bicycle-team-building.com.</p></div><div data-bbox=\)](http://www.googleadservices.com/pagead/aclk?sa=L&ai=CWp8lC9aUU7OWBY6akwTUn4GwC_nAyswEqYSRj7MB4a2RktgCEAEg9ca4A1CJqrxFYMme5YzkpMAToAHnw b3VA8gBAagDAcgDwwSqBNABT9CHxunr8zllDUV2zIqjoAjt41BNi9UOnayCMQ9vk mDthcICH372Gs7ruwTwNnasyMdr_qiLLj0pd3q7iY0_zjOyFUIUDuk11_57yawMGnQO _csCSIQX1_f7tiwtiFDkdy1nY82Fze5FuuI7EBRI3CWLsg47Ld7MYzF_EmYbTNvXDQ _3_XOJlDTxAv66S5oaiMphvYpKL6LpXTDeDNBuPI-U00EZYmmQMSNcQQLSbc9dGk2rHb9IMH0tO6AzcoSbiXPn3e3y65IN7pIRNirkyIgG AYAHzgb7CKg&num=1&cid=5GgYDc5AkjwIPFtTuJmGXjgu&sig=AOD64_2VNWm9 HBXqv-EmZYwIbYd2J5KuXQ&client=ca-pub-4985447070160925&adurl=http://www.bicycle-team-building.com.</p></div><div data-bbox=)

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QbTiFx5_k0kXW&sig=AOD64_140zUewPI6Q_V5y9Rjk2L6oPmD2g&client=ca-pub-1077026815079259&adurl=http://www.bicycle-team-building.com.

Other Infringing Online Content

The following third party websites comprise infringing content that, at the least, stems from Magnovo's providing infringing content, such as infringing press releases, for reproduction:

<http://www.repeatmyvids.com/watch?v=5NDWmKtI9l0&kmdom=youtube> (**Exhibit 67**) – At this website, a Magnovo video is provided that includes a description that states "...hard workers pitch in to build a bike for a needy kid..."

<http://www.musik-videos.dk/video/5NDWmKtI9l0/Bike-A-Thon-Bicycle-Team-Building-Event-in-Chicago.html> (**Exhibit 68**) - At this website, a Magnovo video is provided that includes a description that states "...hard workers pitch in to build a bike for a needy kid..."

<https://showyou.com/v/y-5NDWmKtI9l0/bikeathon-bicycle-team-building-event-in-chicago> (**Exhibit 69**) - At this website, a Magnovo video is provided that includes a description that states "...hard workers pitch in to build a bike for a needy kid..."

<http://lamereturk549.yolasite.com/> (**Exhibit 70**) - At this website, a user apparently named "lamereturk549" provides information regarding Magnovo's services and Magnovo's contact information while also stating, "If you more detail about build a bike team building, please visit this link: <http://magnovo.com/charity-team-building/bicycle-team-building/>."

<http://noviafrica.org/?p=284> (**Exhibit 71**) – At this website, an "admin" of the website posted a video regarding Magnovo's services and further tagged the video content with "build a bike."

<http://www.campuslp.org/?p=151> (**Exhibit 72**) - At this website, an "admin" of the website posted a video regarding Magnovo's services and further tagged the video content with "build a bike."

<http://www.43things.com/things/view/5222351/build-a-bike-charity> (**Exhibit 73**) - This website apparently utilized the phrase, "Build A Bike Charity" as a keyword search term for unclear reasons.

<http://www.squashorbit.com/video/5NDWmKtI9l0> (**Exhibit 74**) - At this website, a Magnovo video is provided that includes a description that states "...hard workers pitch in to build a bike for a needy kid..."

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<http://eraofcollaboration.com/taxonomy/term/203> (**Exhibit 75**) - At this website, an “admin” of the website posted descriptions and photos regarding Magnovo’s services and further titled tagged the content with “build a bike.”

<http://audiovideoproducer.digitalmedianet.com/article/Team-Building-Company-Magnovo-Training-Group-Welcomes-Colette-Johnston-to-Its-Team-2865898> (**Exhibit 76**) - This website presents content apparently regarding Collette Johnston (of Magnovo) and the content includes the statement that “she first experienced charity team building workshops like bike building and derived great enjoyment from watching a corporate executive build a bike which was then given to a child...”

<http://losangeles.cityregions.com/?prID=137464> (**Exhibit 77**) – This website describes Magnovo’s services and provides contact information to Magnovo’s Collete Johnston. This website utilizes the phrase, “...to build a bike for a needy kid...”

<http://losangeles.cityregions.com/?prID=136933> (**Exhibit 78**) - This website presents content apparently regarding Collette Johnston (of Magnovo) and the content includes the statement that “she first experienced charity team building workshops like bike building and derived great enjoyment from watching a corporate executive build a bike which was then given to a child...”

<https://www.prbuzz.com/lifestyle/169562-team-building-company-magnovo-training-group-welcomes-colette-johnston-to-its-team.html> (**Exhibit 79**) - This website presents content apparently regarding Collette Johnston (of Magnovo) and the content includes the statement that “she first experienced charity team building workshops like bike building and derived great enjoyment from watching a corporate executive build a bike which was then given to a child...”

<https://www.prbuzz.com/business-entrepreneur/171613-magnovo-training-group-launches-holiday-team-building-website.html> (**Exhibit 80**) - This website describes Magnovo’s services and provides contact information to Magnovo’s Collete Johnston. This website utilizes the phrase, “...to build a bike for a needy kid...”

<http://www.pressreleasemonkey.com/magnovo-training-group-launches-holiday-team-building-website> (**Exhibit 81**) - This website describes Magnovo’s services and provides contact information to Magnovo’s Collete Johnston. This website utilizes the phrase, “...to build a bike for a needy kid...”

<http://www.reviewseeker.com/articles/viewarticle.jsp?id=2865898-0> (**Exhibit 82**) - This website presents content apparently regarding Collette Johnston (of Magnovo) and the content includes the statement that “she first experienced charity team building workshops like bike building and derived great enjoyment from watching a corporate executive build a bike which was then given to a child...”

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<http://www.emailwire.com/release/137464-Magnovo-Training-Group-Launches-Holiday-Team-Building-Website.html> (*Exhibit 83*) - This website describes Magnovo's services and provides a link to <http://www.holidayteambuilding.com/>. This website utilizes the phrase, "...to build a bike for a needy kid..."

<http://www.virtual-strategy.com/2013/10/16/team-building-company-magnovo-training-group-welcomes-colette-johnston-its-team> (*Exhibit 84*) - This website presents content apparently regarding Collette Johnston (of Magnovo) and the content includes the statement that "she first experienced charity team building workshops like bike building and derived great enjoyment from watching a corporate executive build a bike which was then given to a child..."

The foregoing and all other of your uses of "Build A Bike" and "Let's Build A Bike!", and variations thereof, are nearly identical to my client's BUILD-A-BIKE® trademark, and your uses are in connection with services that directly compete with my client's services. While the online content and misuse described above may additionally involve other parties, you nonetheless have served as the starting point and provider for the text and multimedia content that is republished. My client understands that in some cases the online content may be at least partially automatically generated and/or without your express request, but you nonetheless have provided the infringing content for republication in news releases, videos, slideshows, and via paid keyword ad campaigns. Therefore, through your own direct efforts and by enabling and/or encouraging other online providers to assist you, you have created a likelihood that customers will be confused into believing that some connection exists between you and my client. Using another's trademark in a manner likely to cause confusion as to affiliation, connection or association of the advertiser with the owner of the mark is also unfair competition. Such false advertising is prohibited and actionable under federal law.

In view of Mr. Staneart's rights to the BUILD-A-BIKE® mark, we must insist that you immediately discontinue the use of "Build A Bike" and "Let's Build A Bike!", and all variations thereof, including any other marks that have a similar look, sound, or meaning, in connection with your services. You must remove the infringing content from your website(s) and any and all additional advertising, promotional material, and documents that bear the phrase "Build A Bike" or "Let's Build A Bike!" or other infringing terms must be destroyed or otherwise conspicuously relabeled in a non-infringing manner. Further, you must contact at least the above-mentioned third party online content providers and facilitate the immediate removal of all infringing content.

The information provided in this letter has been archived and prepared for use in any appropriate criminal investigations. For example, the information in this letter lays out proof of your illegal actions subsequent to your obtaining proprietary information via your previous business relationship with my client and easily proven abundant exposure to my client's materials and customer lists. In fact, you may be found guilty under the Economic Espionage Act of 1996 (U.S. Code Title 18 Sections 1831 and 1832), trafficking in counterfeit goods or services (U.S. Code Title 18 § 2320), and even the crimes of embezzlement and theft, not to mention civil

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liability under the Anticybersquatting Consumer Protection Act (ACPA) (15 U.S.C. § 1125(d)), for registering, trafficking in, or using a domain name confusingly similar to, or dilutive of, a trademark.

Considering your extensive willful infringement and willful sales of counterfeit services using at least the currently identified 24 websites, when each website is found to represent a separate instance of infringement and counterfeit sales, you will be held liable for as much as \$2,000,000 per website or occurrence so that you will be saddled with total judgments of \$48,000,000. Rather than risking such an outcome, my client requires that you cease all infringing and counterfeiting activities within twenty (20) days of this letter and agree to pay my client a total of only \$24,000,000 in addition to my client's attorneys' fees.

You should be aware that Mr. Staneart protects his trademarks against infringers. We urge you to contact the undersigned, or have your attorney contact the undersigned, to provide satisfactory assurances that you will immediately cease all use of "Build A Bike" and "Let's Build A Bike!" and discontinue all other infringing actions. If we do not hear from you or your attorney within twenty (20) days of the date of this letter, we will assume that you have decided to ignore Mr. Staneart's rights, and we will advise him and the appropriate law enforcement agencies accordingly.

Sincerely,

CONLEY ROSE, P.C.


Kristin Jordan Harkins

Enclosures

c: Doug Staneart