

KNOX
LEMMON
ANAPOLSKY LLP

Thomas S. Knox
John M. Lemmon
Louis J. Anapolsky
Angela Schrimp de la Vergne

Alfonso L. Poiré
Iman A. Shad
Christopher J. Gonzalez
Stephen J. Byers

ATTORNEYS-AT-LAW

One Capitol Mall, Suite 700
Sacramento, California 95814-3229

TELEPHONE: (916) 498-9911
FACSIMILE: (916) 498-9991
www.klalawfirm.com

OF COUNSEL

Philip M. Knox, Jr.
(1922-2002)
John Vincent Lemmon
(1917-2002)

Sender's E-Mail:
jlemmon@klalawfirm.com

November 26, 2007

PERSONAL AND CONFIDENTIAL

Ms. Ingrid E. Newkirk
President
People for the Ethical Treatment of Animals, Inc.
501 Front Street
Norfolk, VA 23510

Re: Trademark Infringement of "Got Milk?"

Dear Ms. Newkirk:

We represent the California Milk Processor Board, which owns the federally-registered trademark "Got Milk?"® (Reg. Nos. 1,903,870 and 2,689,741). It has come to our client's attention that People for the Ethical Treatment of Animals, Inc. ("PETA") is selling t-shirts, sweatshirts, bags, caps, aprons, mugs, postcards, mousepads, and buttons with the phrase "got pus? Milk does" in the same distinctive type face as our client's mark. PETA currently sells these items online through CafePress.com, a privately owned for-profit company located in Foster City, California. I have enclosed a copy of the relevant CafePress.com web-pages where PETA's merchandise displaying "got pus? Milk does" products are advertised for sale.

Our client has spent a great deal of time, money, and effort to develop the goodwill surrounding the "Got Milk?" trademark and corresponding marketing campaign, and does not allow anyone to use the trademark or a confusingly similar mark without its authorization. The unauthorized use of the "Got Milk?" trademark demonstrates a total and willful disregard for our client's intellectual property rights.

Under federal law, a trademark is infringed not only by use of a word or phrase that is *identical* to the trademark, but also by use of a word or phrase that is *confusingly similar* to the trademark. It is clear that your sale of t-shirts, sweatshirts, bags, caps, aprons, mugs, postcards, mousepads, and buttons with the confusingly similar phrase "got pus? Milk does" on them violates our client's trademark rights.

Our client intends to vigorously defend their rights in this trademark under all applicable federal laws. Federal law provides our client with the right to bring a civil action against PETA. Potential remedies include recovery of profits, monetary damages sustained by our client, statutory damages, a court order for the seizure of goods and counterfeit marks, costs of bringing the lawsuit and injunctive relief. Federal law also grants a judge discretion to award treble damages and attorneys' fees.

At our client's discretion, they may choose to forego actual damages and profits and instead elect to receive statutory damages. The court may award between \$500 and \$100,000 for each counterfeit mark. Furthermore, if the court finds that your use of the counterfeit marks was willful, it may award up to \$1,000,000.00 for each counterfeit mark.

In order to avoid resorting to litigation, we insist that you comply with all of the following demands:

1. Immediate cessation of all sales and marketing activity related to "got pus? Milk does" t-shirts, sweatshirts, bags, caps, aprons, mugs, postcards, mousepads, and buttons, as well as any other materials that infringe our client's "Got Milk?" trademark.
2. Ship to us, **no later than December 15, 2007**, all "got pus? Milk does" t-shirts, sweatshirts, bags, caps, aprons, mugs, postcards, mousepads, and buttons, as well as any other materials that infringe our client's "Got Milk?" trademark. **You must bear the cost of this shipment.**
3. Ship to us, **no later than December 15, 2007**, all graphic design materials you use to manufacture "got pus? Milk does" t-shirts, sweatshirts, bags, caps, aprons, mugs, postcards, mousepads, and buttons, as well as any other materials that infringe our client's "Got Milk?" trademark. This includes, but is not limited to, all mesh design screens, lettering and computer-generated materials that you use to manufacture these products. **You must bear the cost of this shipment.**
4. Immediate destruction of all catalogues that contain "got pus? Milk does" t-shirts, sweatshirts, bags, caps, aprons, mugs, postcards, mousepads, and buttons, as well as any other materials that infringe our client's "Got Milk?" trademark.
5. Immediate removal of "got pus? Milk does" t-shirt, sweatshirt, bag, cap, apron, mug, postcard, mousepad, and button images, as well as any other materials that infringe our client's "Got Milk?" trademark from all online catalogues and websites.
6. Provide to us, **no later than December 15, 2007**, an accounting of all profits that PETA has made at any time from the sale of "got pus? Milk does" t-shirts, sweatshirts, bags, caps, aprons, mugs, postcards, mousepads, and buttons, as well as any other materials that infringe our client's "Got Milk?" trademark. The accounting must state: (a) the amount of revenue that you generate through the sale of "got pus? Milk does" t-shirts,

Ms. Ingrid E. Newkirk

November 26, 2007

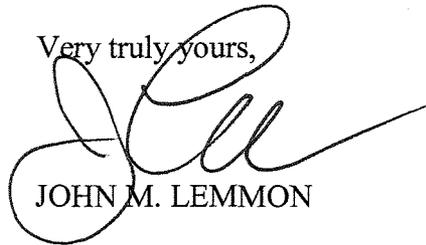
Page No. 3

sweatshirts, bags, caps, aprons, mugs, postcards, mousepads, and buttons on a weekly, monthly and yearly basis; (b) the length of time the "got pus? Milk does" t-shirt, sweatshirt, bag, cap, apron, mug, postcard, mousepad, and button images have appeared on your website(s); and (c) the amount of both "hits" and unique visitors that your website(s) receives on a weekly, monthly and yearly basis.

In addition, once we receive the information relating to the accounting for all profits, **we will insist on being paid all profits.** If you are not immediately forthcoming in complying with all of our demands, we will increase our demand to cover all attorneys' fees incurred. If we are forced to file a lawsuit, we will pursue all available remedies, including treble damages.

If you do not meet the above-referenced **December 15, 2007 deadline**, we will be forced to commence litigation against PETA.

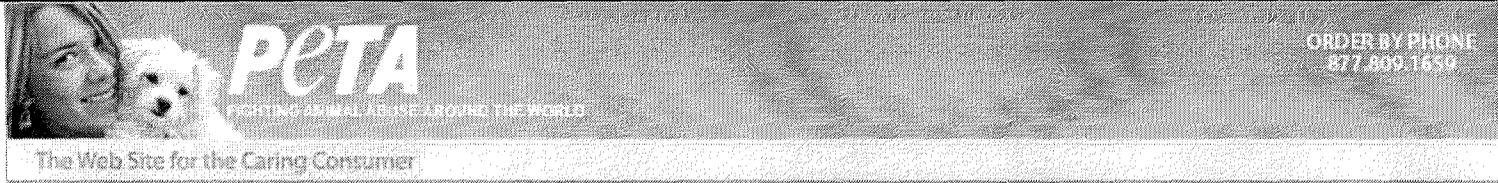
Very truly yours,

A handwritten signature in black ink, appearing to read "J. M. Lemmon", written over the typed name below.

JOHN M. LEMMON

JML/tsl

cc: California Milk Processor Board
Enclosures



[Women's Apparel](#)

[Men's Apparel](#)

[Children's Apparel](#)

[Home/Office](#)

[Accessories](#)

BROWSE DESIGNS

- Vegetarian/Vegan
- Animals Used for Clothing
- Animals Used for Entertainment
- Animal Testing
- Companion Animals
- General Animal Rights
- PETA Logo
- peta2
- Retro PETA

NEWSLETTER

SUBSCRIBE
 Sign up to receive new product features and specials in your inbox!

your email

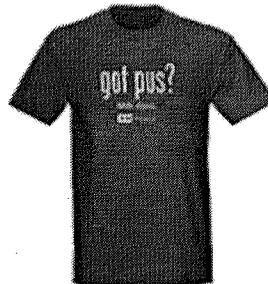
[Sign Up](#)

BROWSE PRODUCTS

select one

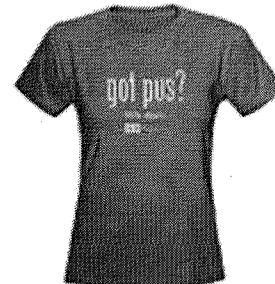
PETA Store : [Vegetarian/Vegan](#) : **Got Pus? Milk Does.**

Don't miss an opportunity to let people know about the REAL content of milk with PETA's controversial T-shirt. Dairy farmers don't tell consumers that every glass of milk is contaminated with pus, bacteria, and perhaps with paratuberculosis. The only way to avoid drinking pus is to avoid cow's milk. Learn how and why to dump dairy at [Milksucks.com](#).



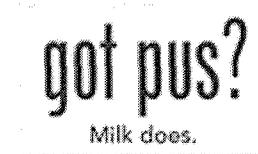
MORE COLORS AVAILABLE

[Got Pus? Milk Does. Black T-Shirt](#)
 \$22.99

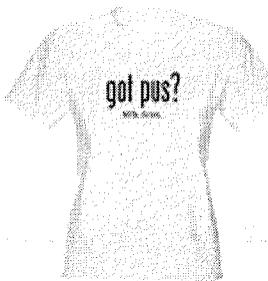


MORE COLORS AVAILABLE

[Got Pus? Milk Does. Women's Dark T-Shirt](#)
 \$23.99



[Got Pus? Milk Does. Sticker \(Rectangular\)](#)
 \$3.00

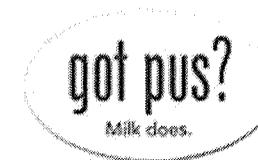


[Got Pus? Milk Does. Women's](#)



MORE COLORS AVAILABLE

[Got Pus? Milk Does. Women's V-](#)

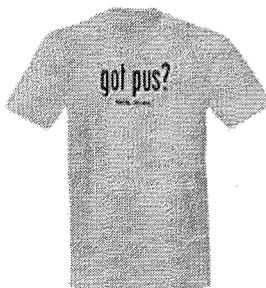


[Got Pus? Milk Does. Sticker](#)

Donate Now

Help PETA put a stop to animal cruelty **NOW!**

V-Neck T-Shirt
\$19.99



MORE COLORS AVAILABLE

Got Pus? Milk Does. Light T-Shirt
\$18.99

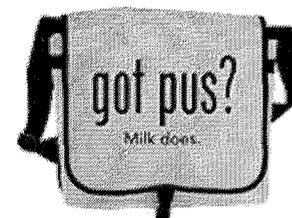
Neck Dark T-Shirt
\$23.99



MORE COLORS AVAILABLE

Got Pus? Milk Does. Women's Light T-Shirt
\$18.99

(Oval)
\$3.00

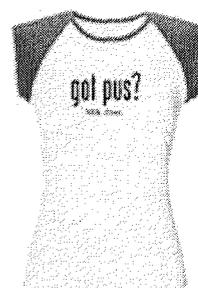


Got Pus? Milk Does. Messenger Bag
\$24.99



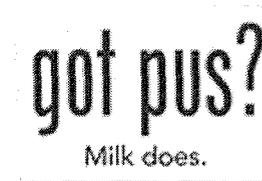
MORE COLORS AVAILABLE

Got Pus? Milk Does. Ringer T
\$18.99



MORE COLORS AVAILABLE

Got Pus? Milk Does. Women's Cap Sleeve T-Shirt
\$19.99



Got Pus? Milk Does. Postcards (Package of 8)
\$8.99



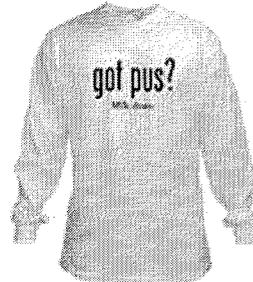
MORE COLORS AVAILABLE
Got Pus? Milk Does. Long Sleeve Dark T-Shirt
\$27.99



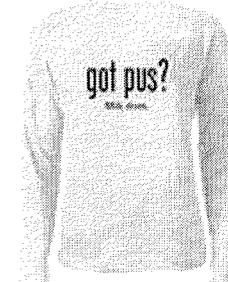
MORE COLORS AVAILABLE
Got Pus? Milk Does. Women's Long Sleeve Dark T-Shi
\$27.99



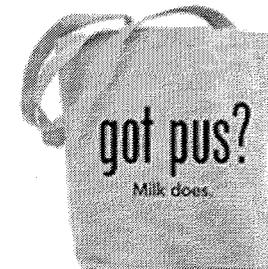
Got Pus? Milk Does. BBQ Apron
\$17.99



MORE COLORS AVAILABLE
Got Pus? Milk Does. Long Sleeve T-Shirt
\$22.99



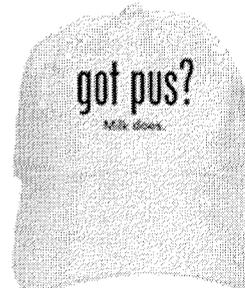
Got Pus? Milk Does. Women's Long Sleeve T-Shirt
\$22.99



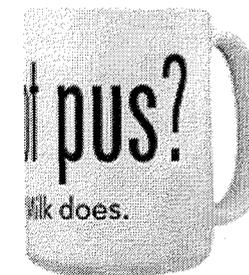
Got Pus? Milk Does. Tote Bag
\$15.99



Got Pus? Milk Does. Trucker



MORE COLORS AVAILABLE
Got Pus? Milk Does. Cap

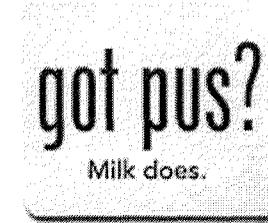
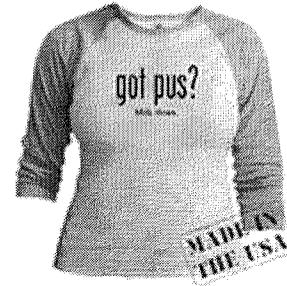


Got Pus? Milk Does. Large Mug

Hat
\$14.99

\$16.99

\$14.99



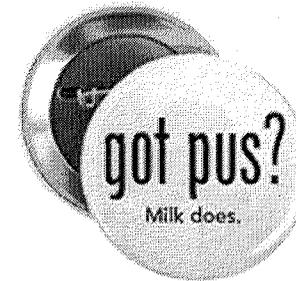
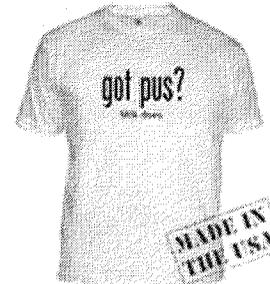
MORE COLORS AVAILABLE

MORE COLORS AVAILABLE

Got Pus? Milk Does. Baseball Jersey
\$20.99

Got Pus? Milk Does. Jr. Raglan
\$21.99

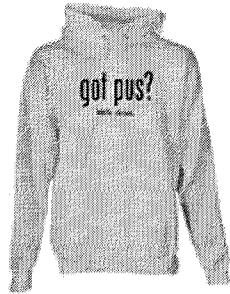
Got Pus? Milk Does. Mousepad
\$13.99



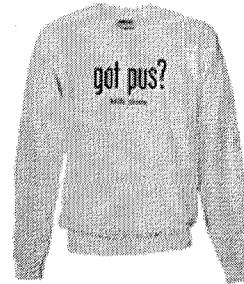
Got Pus? Milk Does. White T-Shirt
\$17.99

Got Pus? Milk Does. Fitted T-Shirt
\$19.99

Got Pus? Milk Does. Button
\$2.00



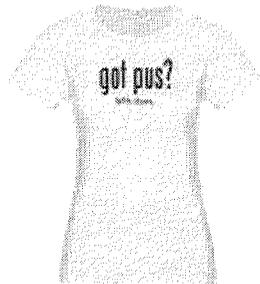
MORE COLORS AVAILABLE
Got Pus? Milk Does. Hooded
Sweatshirt
\$29.99



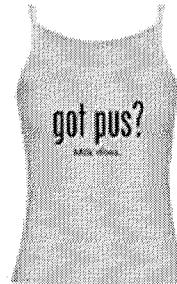
MORE COLORS AVAILABLE
Got Pus? Milk Does. Sweatshirt
\$25.99



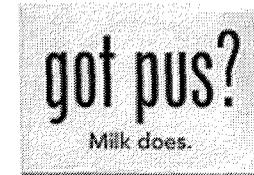
Got Pus? Milk Does. Mug
\$13.99



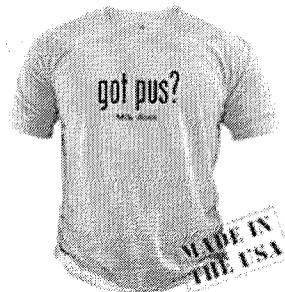
MORE COLORS AVAILABLE
Got Pus? Milk Does. Jr. Jersey
T-Shirt
\$22.99



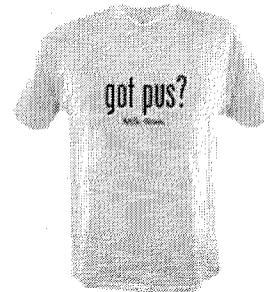
MORE COLORS AVAILABLE
Got Pus? Milk Does. Jr.
Spaghetti Tank
\$20.99



Got Pus? Milk Does. Rectangle
Magnet
\$3.00



Got Pus? Milk Does. Organic



Got Pus? Milk Does. Value T-

Cotton Tee
\$20.99

shirt
\$12.99



Where's My Stuff?

- Track your recent orders.
- View or change your order.

Shipping & Returns

- See our shipping rates.
- Make a return or exchange.

Need Help?

- Satisfaction Guaranteed.
- Visit our Customer Service.

This shop is powered by CafePress.com.
Copyright © 1999-2007 CafePress.com. All rights reserved.
Privacy Policy | Trademark & Copyright Information