

DUNCAN  
LINN & WADE  
PROFESSIONAL CORPORATION

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May 24, 2010

VIA U.S. MAIL, CERTIFIED  
RETURN RECEIPT REQUESTED

Mr. Stephen B. Phillips  
Phillips Command Dogs  
618 W. State Street  
Olean NY 14760

RE: THE DOG GUY® TRADEMARK

Dear Mr. Phillips:

My firm represents J&L Davis Enterprises, LLC, a California corporation, owner of the trademark The Dog Guy®. It has been brought to our attention that your business has been using the trademark The Dog Guy® in association with the marketing or sale of your products and services, as well as the domain name, "[www.thedogguy.net](http://www.thedogguy.net)." It is possible that you were unaware of this conflict, so we believe that it is in our mutual interest to bring this matter to your attention.

The Dog Guy® is a registered trademark (U.S. Reg. No. 3,786,542) of my client, J&L Davis Enterprises, LLC. A copy of the registration certificate is enclosed at Exhibit A for your reference.

As you will note, your URL, <http://www.thedogguy.net>, as well as several references on the website use my client's registered mark, "The Dog Guy" in regards to the rendering of dog training services, identical to those products and services rendered by my clients.

Due to these concerns, and because unauthorized use of my client's federally registered trademark amounts to an infringement of its trademark rights, we respectfully request that you cease and desist (1) from the use of the trademark The Dog Guy®, in any and all web sites, other media and manner, including links to your web pages, and (2) in any further use of The Dog Guy® any references used in association with the marketing, sale, distribution, or identification of your products, or services. My client may be willing to explore the possibility of allowing use of the mark under an appropriate licensing agreement. However, until such an agreement is made in writing, we will require you to cease and desist from any further use of The Dog Guy®.

*Legal Insight + Business Instinct*

2520 Douglas Blvd, Suite 100, Roseville, CA 95661  
916 797 7436 PHONE 916 797 3626 FAX [www.dlwlawcorp.com](http://www.dlwlawcorp.com)

My client's federal registration of this trademark provides it with certain proprietary rights. This includes the right to restrict the use of the trademark, or a confusingly similar trademark, in association with confusingly similar products or services.

It is important that my client exercise its right to protect its trademark. It serves as an important and distinctive representation of the origin of my client's products as well as the goodwill of the corporation.

State and federal law supports our position that confusingly similar trademarks may cause confusion among customers. This confusion may cause substantial harm to the trademark by facilitating the loss of its effectiveness in establishing a distinct association between it, my client's products and services, and my client company's goodwill.

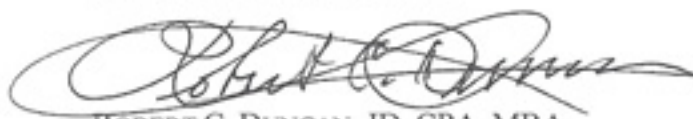
Please respond by letter indicating your intention to cease and desist from use of the trademark The Dog Guy®, or any confusingly similar trademark, within seven (7) calendar days.

This letter is sent without prejudice to protect J&L Davis Enterprises, LLC's rights and claims, all of which are expressly reserved. We are 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.

We hope that this issue may be resolved this way so we can avoid any further legal remedies as provided by state law and the U.S. Trademark Act.

Sincerely,

DUNCAN LINN & WADE



ROBERT C. DUNCAN, JD, CPA, MBA

The undersigned covenants to take the following actions immediately: (i) transfer any and all rights of the undersigned in and to the following domain name to J&L Davis Enterprises, LLC: [www.thedogguy.net](http://www.thedogguy.net), and (ii) to cease and desist from any and all use of the domain name and the registered trademark The Dog Guy®.

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Stephen B. Phillips  
Phillips Command Dogs

# United States of America

United States Patent and Trademark Office

## The Dog Guy

**Reg. No. 3,786,542**  
**Registered May 11, 2010**  
**Int. Cl.: 41**

J & L DAVIS ENTERPRISES LLC (CALIFORNIA LIMITED LIABILITY COMPANY), DBA  
THE DOG GUY  
1118 KIDDER WAY  
FOLSOM, CA 95630

FOR: DOG TRAINING, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

**SERVICE MARK**

FIRST USE 11-24-2004; IN COMMERCE 11-24-2004.

**PRINCIPAL REGISTER**

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "DOG", APART FROM THE MARK AS SHOWN.

SER. NO. 77-009,174, FILED 9-27-2006.

HEATHER BIDDULPH, EXAMINING ATTORNEY



*David J. Kappas*