

EXHIBIT D

American

Blinds, Wallpaper & More

7/11/2003

VIA E-MAIL DELIVERY & READ REQUEST

Rose A. Hagan
Senior Trademark Counsel
Google
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Re: American Blinds, Wallpaper & More Trademark Claims

Ms. Hagan:

It has come to our attention that **The Blind Factory** has purchased advertising keywords from you that are identical or substantially similar to American Blinds, Wallpaper & More (“ABWM”) registered trademarks (see attached screenshots). ABWM is hereby notifying you of its trademark infringement claims for prompt resolution.

As you probably know, federal and state trademark law protects a trademark owner’s commercial identity (goodwill, reputation and investment in advertising) by giving such owner the exclusive right to use the trademark for its goods or services. What you may not know is that trademark law also protects the trademark owner from any person or entity that uses a trademark (*i.e.* keyword, word, name, symbol or device) that so *resembles a trademark already in use as to be likely to cause confusion or mistake* in the marketplace. Furthermore, federal law protects trademarks that are unregistered.

ABWM is the owner of and has the exclusive rights to use the following trademarks registered with the United States Patent and Trademark Office (“USPTO”):

<u>Mark</u>	<u>Reg. Number</u>	<u>Reg. Date</u>
AMERICAN BLIND & WALLPAPER FACTORY	2,022,925	12/17/96
AMERICAN BLIND FACTORY	1,463,548	11/3/87
DECORATETODAY	2,470,542	7/17/01

ABWM is recognized and well known in the home decorating industry and to consumers nationwide as “American Blind”, “American Wallpaper” and “decoratetoday.” Many of ABWM’s competitors have exploited the notoriety and success of ABWM, and flagrantly

American Blinds, Wallpaper & More

attempted to confuse consumers and capitalize illegally on ABWM's goodwill and reputation by purchasing identical or substantially similar keywords from search engines. ABWM has been vigilant in defending its marks from infringement and dilution at all costs. As an example, ABWM was awarded in the matter of *Decoratetoday.com, Inc. (d/b/a American Blind and Wallpaper Factory, Inc.) v. American Blind & Accessory Co., Inc. and Directory One, Inc.*, Case No. 01-CV-70804-DT, a permanent injunction by the United States District Court for the Eastern District of Michigan, permanently enjoining the defendants from using ABWM's "trademarks, service marks or the word 'American' in any variation or combination with the word 'Blind' either singular or plural..." We would be glad to send you a copy of the Permanent Injunction Order if you would like to read it in its entirety. Please note that ABWM was successful in defending not only its registered marks, but marks that were confusingly similar thereto. Consequently based upon federal law and precedent, use of the following similar marks by your advertisers constitutes infringement of ABWM's registered marks:

american blind
american blind and wallpaper
american blind and wallpaper company
american blind and wallpaper factory
american blind and wallpaper outlet
american blind discount
american blind wallpaper
american blind wallpaper factory
american wall covering
american wallpaper and blind
american wallpaper discount
Americanblind
Americanblindandwallpaperfactory
Americanwallpaper
decorate today
Decoratetoday
decoratetoday .com
Decoratetodaycom

american blind and wall covering
american blind and wallpaper co
american blind and wallpaper discount
american blind and wallpaper factory discount
american blind company
american blind factory
american blind wallpaper company
american home decorating
american wallpaper
american wallpaper company
american wallpaper factory
americanblindfactory.com
americanhomedecorating.com
americanwallpaperfactory.com
decorate today discount
decorate today.com
decoratetoday com
decoratetoday.com

In light of the foregoing, we request that you immediately cease selling ABWM's proprietary marks and marks similar thereto (as set forth above) to **The Blind Factory** and immediately remove the referenced keywords from their program. In the event our request is not complied with in the next 7 days we will have no choice but to involve our legal department.

I will follow up with a telephone call tomorrow to answer any questions that you may have and to confirm that you are going to comply with our request.

Sincerely,

American

Blinds, Wallpaper & More

Joe Charno
Vice President Marketing, Advertising & E-Commerce
American Blinds, Wallpaper & More
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