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## **Exhibit B – Part 1 of 2**

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

AMERICAN BLIND AND WALLPAPER  
FACTORY, INC., d/b/a  
DECORATETODAY.COM, INC., a Delaware  
corporation,

Plaintiff,

Case No.

v.

BLINDS FOR LESS.com LLC, d/b/a  
WindowtreatmentsUSA.com,

JURY TRIAL DEMANDED

Defendant.

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**COMPLAINT**

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Plaintiff, American Blind and Wallpaper Factory, Inc., d/b/a decoratetoday.com, Inc.

("American Blind"), by and through its counsel, Kelley Drye & Warren LLP and Dawda, Mann, Mulcahy & Sadler, PLC and for its complaint against Blinds for Less.com LLC, d/b/a WindowtreatmentsUSA.com ("4Less") states as follows:

**Nature of Case**

1. American Blind brings this action to redress the deliberate and unauthorized conduct and business practices of 4Less whereby 4Less has infringed and diluted American Blind's registered trademark, "American Blind Factory."

2. Since 1997, American Blind has continuously operated a distinctive Internet website located, among other places, at [www.americanblinds.com](http://www.americanblinds.com), through which the company sells blinds, window treatments, wall coverings and other home decorating products and related services. American Blind has been very successful in its use of the Internet as an effective marketing channel and revenue generator. A large part of American Blind's success in repeat and referral business is attributed to the company's website content.

3. Internet customers who are searching for a specific company product or information, but who do not know the domain name or website address at which it may be found, may use "keywords" and/or "search engines" to locate websites which match the keywords sought by the customer. Keywords are the textual terms that a consumer enters to locate the desired website or domain name. A search engine checks the keywords against its databases and produces a search result page, which lists the websites, in order of decreasing relevance with the most relevant websites listed first, that match the customer's keyword search.

4. Many search engines enable advertisers to purchase or bid on keywords that guarantee placement/position on search result pages (i.e. American Blind may bid on the keyword "wallpaper" on the AOL search engine so that American Blind's website will be listed in the first position when a customer searches for the keyword "wallpaper" to find websites that sell wallpaper). This practice is referred to as a "pay-for-placement."

5. 4Less owns and/or controls the website found at the URL [www.blindsforless.com](http://www.blindsforless.com) (the "4Less Site") which is linked to its alter-ego website, URL [www.windowtreatmentsusa.com](http://www.windowtreatmentsusa.com), (the "Window Site").

6. 4Less, through its Window Site, purchased the keywords "American Blind Factory" on a search engine, MSN, for the advertising of the 4Less Site and Window Site. As a result, when a customer enters the keywords "American Blind Factory" to find American Blind and Wallpaper Factory's website, 4Less' alter ego website, located at URL [www.windowtreatmentsusa.com](http://www.windowtreatmentsusa.com), appears and is listed in the second to top position of the search results. (A true and accurate copy of a pay for placement display for 4Less' website as viewed through a web browser is attached hereto as Exhibit A.)

7. Similarly 4Less, through its Window Site, purchased the keywords "americanblinds" on a search engine, Google, for the advertising of the 4Less Site and Window Site. As a result, when a customer enters the keywords "americanblinds" to find American Blind and Wallpaper Factory's website, 4Less' website, located at URL [www.blindsforless.com](http://www.blindsforless.com) appears and is listed in the third to top position of the sponsored links search results. (A true and accurate copy of a pay for placement display for 4Less' website as viewed through a web browser is attached hereto as Exhibit B.)

8. 4Less has also manipulated the Window Site and post-domain path to include American Blind's company name and registered trademark. (True and accurate copies of screen shots evidencing the manipulated post-domain path are attached hereto as Exhibit C and Exhibit D.)

9. As a result of 4Less's manipulation of the Window Site and post-domain path, once the consumer clicks on the link for "American Blind and Wallpaper Factory" (See Exhibit

C) in an attempt to locate ABWF or other relevant content, they are directed to an enormous flashing banner at the top of the Window Site and instructed to "Press Go to See the Website" (See Exhibit D). The website linked to such banner is the 4Less Site, which has no correlation to the original keyword search for "American Blind Factory" or the use of American Blind's mark, "American Blind and Wallpaper Factory" (See Exhibit D) in such content.

10. 4Less is using the 4Less Site and Window Site to exploit American Blind's well-known mark and trade off of American Blind's goodwill.

11. "American Blind Factory", "American Blind and Wallpaper Factory" and "American Blind & Wallpaper" are registered trademarks with the United States Trademark Office owned by American Blind, which American Blind holds the exclusive rights to use.

12. American Blind has protectable rights in its trade name "American Blinds," which has been associated by the public with American Blind's goods and services for several years. In addition, American Blind has sought registration of the mark "American Blinds" with the United States Trademark Office and such mark was recently approved for registration, and will register in due course. American Blind, consequently, has exclusive rights to the use of such mark.

13. Moreover, American Blind has been vigilant in defending its marks from infringement and dilution. As an example, American Blind was awarded a permanent injunction in the matter of *Decoratetoday.com, Inc. v. American Blind & Accessory Co., Inc. and Directory One, Inc.*, Case No. 01-CV-70804-DT, by the United States District Court for the Eastern District of Michigan, permanently enjoining the defendants from using American Blind's "trademarks, service marks or the word 'American' in any variation or combination with the word 'Blind' either singular or plural..."

14. 4Less seeks to exploit the hard-earned popularity and success of American Blind. In an attempt to illegally capitalize on American Blind's trademarks, 4Less, purchased the keywords "American Blind Factory" and "americanblinds" for purposes of its Internet search engine driven advertising.

15. As a result, 4Less' website was listed on MSN as a match for searches using the terms "American Blind Factory" and appears as a Sponsored Link. (See Exhibit A, copy of pay-for-placement display for 4Less' website as viewed through a web browser.)

16. 4less' website was listed on Google as a match for searches using the terms "americanblinds" and appears as a Sponsored Link. (See Exhibit B, copy of pay-for-placement display for 4Less' website as viewed through a web browser.)

17. The content of 4Less' websites have caused consumers who specifically intended and desired to find American Blind's products and services, to be diverted instead to the 4Less Site and Window Site which contains competitive products and services.

18. 4Less' use of American Blind's Marks in the terms "American Blind Factory" and "americanblinds" to lead customers to its website created and continues to create a likelihood of customer confusion.

19. These deliberate acts constitute common law unfair competition, trademark infringement under the Lanham Act, 15 U.S.C. §§ 1114(1)(a) and 1125(a), and dilution of American Blind's "famous" marks in violation Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

20. In addition to harming American Blind's reputation and the value of its marks, 4Less has realized profits and other benefits rightfully belonging to American Blind.

21. Upon being notified of its illegal conduct, 4Less did not respond to American Blind's requests to cease and desist. (A true and correct copy of American Blind's cease and desist letter to 4Less is attached hereto as Exhibit E.)

22. 4Less has ignored American Blind's demands to cease all unauthorized use of American Blind's trademarks and/or words confusingly similar thereto in its keyword Internet advertising, instruct all Internet search engines to discontinue any sponsorship for 4Less that utilize American Blind's Marks and terminate all advertising using American Blind's trademark and marks similar thereto.

23. 4Less' failure to comply with American Blind's demands manifests its intent to continue to wrongfully compete with, infringe upon and dilute American Blind's proprietary rights in its registered marks. American Blind seeks an injunction to halt 4Less' wrongful conduct and award of damages as well as attorneys' fees and expenses for 4Less' willful and wanton conduct.

#### **Parties**

24. American Blind is a Delaware corporation with its principal place of business at 909 North Sheldon Road, Plymouth, Michigan.

25. 4Less is, upon information and belief, a Texas corporation with a principal place of business in Pearland, Texas.

26. 4Less is subject to the personal jurisdiction of this Court because it transacts business in the state of Michigan through the operation of their Internet website consisting of a "virtual store" and have committed tortious acts in the State of Michigan.

**Jurisdiction and Venue**

27. This is an action arising under the Lanham Act, 15 U.S.C. §§ 1114(1)(a), 1125(a), and 1125(c). This Court has federal question jurisdiction over these claims pursuant to 15 U.S.C. § 1121, and 28 U.S.C. §§ 1331, 1338(a) and 1338(b).

28. The Court has subject matter jurisdiction over the state law claims, pursuant to 28 U.S.C. § 1367(a).

29. Consistent with due process and the Michigan long-arm statute, M.C.L.A. § 600.715, this Court may also exercise *in personam* jurisdiction over 4Less because of its purposeful conduct directed toward the State of Michigan and the injury inflicted therein. Specifically, through its use of American Blind's trademark in course of advertising the 4Less website on certain Internet search engines, 4Less is deemed to have purposefully availed itself of the privilege of transacting business in the State of Michigan.

30. Not only has 4Less regularly solicited business through acts directed toward consumers in Michigan, but the injury suffered by American Blind, a company headquartered in Michigan, is deemed to have occurred in and is substantially connected to the State of Michigan. As such, *in personam* jurisdiction over 4Less is proper. *See, e.g., Sports Authority Michigan, Inc. v. Justballs, Inc.*, 97 F. Supp. 2d 806, 812-813 (E.D. Mich. 2000) (citations omitted).

31. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and (c) in that a substantial part of the events giving rise to the claims occurred in this district and American Blind is a resident of this district.



**Facts Common to All Claims**

32. Since 1986, American Blind has been using and promoting its corporate name -- "American Blind and Wallpaper Factory" -- in the home decorating business. American Blind offers a variety of products for sale, including blinds, window treatments, wall coverings and other home decorating products and related services.

33. American Blind is recognized and well known in the home decorating industry and to consumers nationwide as "American Blind".

34. American Blind is the owner of and has the exclusive rights to use the following trademarks and service marks registered with the United States Patent and Trademark Office:

<b><u>Mark</u></b>	<b><u>Reg. Number</u></b>	<b><u>Reg. Date</u></b>
AMERICAN BLIND AND WALLPAPER FACTORY	2,299,126	9/6/05
AMERICAN BLINDS WALLPAPER & MORE	2,923,867	2/1/05
DECORATETODAY	2,470,542	7/17/01
AMERICAN BLIND & WALLPAPER FACTORY	2,022,925	12/17/96
AMERICAN BLIND FACTORY	1,463,548	11/3/87

(True and accurate copies of proof of these registrations are attached hereto as Exhibit F.)

35. Additionally, American Blind has protectable rights in its trade name "American Blinds." American Blind has sought registration of the mark AMERICAN BLINDS with the United States Trademark Office and such mark was recently approved for registration and will register in due course.

36. The foregoing service marks and trademarks are hereinafter collectively referred to as the "American Blind Marks".

37. American Blind is the largest direct to customer retailer of window treatments and wall coverings in the United States and on the Internet. American Blind, through its predecessor companies, has been in the home decorating business for over a half century.

38. American Blind sells and promotes its home decorating products and related services to nearly seven million customers across the United States through its toll-free telephone numbers and its website. American Blind processes over 400,000 transactions per year over the internet, eighty percent of which are from repeat and referral business.

39. American Blind spends millions of dollars each year advertising its brand, including advertising in over forty national magazines, on every major search engine, on national television and radio and through millions of direct mailings and catalogs distributed throughout the United States. American Blind has historically spent in excess of \$50,000,000 promoting its name and image, developing its reputation and goodwill, and policing and protecting its name, website, and the American Blind Marks.

40. As a result of long and continuous use by American Blind in connection with the sale of blinds, window treatments, wall coverings and other home decorating products and related services and extensive marketing, advertising, and sales by American Blind throughout the United States, the American Blind Marks have become "famous" and distinctive.

41. Moreover, the term "American" along with the terms "blinds" and/or "wallpaper" have gained a secondary meaning such that the combination of these terms serves to identify American Blind and its products and services in the minds of consumers.

42. Since 1997, American Blind has extensively utilized the Internet as a marketing channel for its home decorating business, including the sale of blinds, window treatments, wall

coverings and other home decorating products and related services. American Blind has spent in excess of \$10,000,000 developing its Internet presence since 1997.

43. 4Less offers its products for sale to Internet users in the United States. 4Less sold its products to consumers in the State of Michigan.

44. Upon information and belief, 4Less has purchased the keywords "American Blind Factory" and "americanblinds" on certain Internet search engines, including but not limited to, MSN and Google.

45. By purchasing keywords from an Internet search engine, 4Less ensured that its websites, [www.blindsforless.com](http://www.blindsforless.com) and [www.windowtreatmentsusa.com](http://www.windowtreatmentsusa.com), will appear at or near the top of the results page and as a Sponsored Link for searches wherein the keywords "American Blind Factory" and "americanblinds" are entered. (See Exhibits A and B.)

46. In or about January 2006, American Blind became aware of 4Less' unauthorized use of the American Blind Marks in their Internet search engine driven advertising.

47. On January 11, 2006, American Blind, through its attorneys, issued a letter to 4Less, demanding that 4Less immediately cease and desist from using American Blind's trademarks in its Internet website advertising. (See Exhibit E.)

48. On or about June 26, 2006, American Blind again became aware of 4Less' unauthorized use of the American Blind Marks in their Internet search engine driven advertising. (See Exhibit B.)

49. 4Less created consumer confusion and improperly used and diluted American Blind's trademarked names by purchasing the keywords "American Blind Factory" and "americanblinds" and has failed to proffer any good faith basis for its actions.

50. 4Less' failure to comply with American Blind's demands manifests its intention not to comply with American Blind's requests and its intention to continue its illegal conduct.

### **COUNT I**

#### **(Common Law Unfair Competition)**

51. American Blind hereby restates and incorporates by reference Paragraphs 1 through 50 above, as though fully set forth herein.

52. The American Blind Marks were famous and distinctive at the time of 4Less' use and purchase of use of the marks and/or terms confusingly similar thereto as keywords.

53. American Blind and 4Less are both in the home decorating business, offering substantially similar products for sale, including blinds, shades and other home decorating products and related services.

54. The keywords purchased by 4Less, "American Blind Factory" and "americanblinds," are confusingly similar to the American Blind Marks by incorporating at least two or more of the words used in the American Blind Marks.

55. When customers using the Internet and a search engine do not know the exact website address for a product they are looking for, they often use terms in the name of the product to locate that products website.

56. By using the American Blind Marks and/or terms confusingly similar thereto as its keywords, 4Less has caused a likelihood of consumer confusion.

57. Consumer confusion is compounded by the fact that American Blind and 4Less use the same marketing channels by primarily focusing on consumer contact via the Internet.

58. 4Less has purchased a sponsored link listing for the use of the keywords "American Blind Factory" and "americanblinds" on certain Internet search engines, including

MSN and Google. As a result, 4Less' website appears at or near the top of the list of search results when these keywords are searched by a customer.

59. By purchasing these keywords, 4Less has manipulated customers' searches for American Blind's website, so that customers will be diverted from American Blind's website and, instead, purchase from 4Less the same goods sought from American Blind.

60. 4Less' actions manifest and continue to manifest a bad faith intent to profit from the American Blind Marks by diverting and confusing customers who attempt to locate and access American Blind's goods and services through the Internet.

61. 4Less' acts constitute unfair competition with American Blind.

62. The aforementioned conduct of 4Less is intentional, malicious and wanton in that 4Less specifically purchased and used American Blind's registered Marks and/or terms confusingly similar thereto, as keywords for Internet search engine generated searches to locate 4Less' websites: (a) with full knowledge that American Blind owns and has the exclusive right to use the American Blind Marks, (b) with the intention of profiting from the American Blind Marks, (c) with the intention of eliminating competition from American Blind, and (d) after notice from American Blind to cease their unfair competition.

63. As a result of 4Less' aforementioned conduct, American Blind has suffered and continues to suffer substantial losses of revenue and irreparable harm, unless said conduct is enjoined by this Court.

## **COUNT II**

### **(Federal Trademark Infringement)**

64. American Blind hereby restates and incorporates by reference paragraphs 1 through 63 above as though fully set forth herein.

65. Without authorization from American Blind, 4Less has used the American Blind Marks and/or confusingly similar terms to indirectly sell, offer to sell and advertise window blinds and other window treatments and related services through 4Less' Internet website.

66. 4Less' use of the American Blind Marks and/or terms confusingly similar thereto as search terms to direct consumers to 4Less' Internet websites, to indirectly sell, offer to sell and advertise window blinds and other window treatments and related services, has caused and is likely to continue to cause consumer confusion, mistake and deception as to the affiliation, connection, or association of 4Less with American Blind, and as to the origin, sponsorship, or approval of 4Less' goods and services by American Blind.

67. 4Less' unauthorized acts constitute direct infringements of American Blind's rights in the American Blind Marks in violation of the Lanham Act, 15 U.S.C. § 1114(1)(a).

68. The aforementioned conduct of 4Less is intentional, malicious and wanton in that 4Less infringed and continues to infringe on the American Blind Marks: (a) with full knowledge that American Blind owns and has the exclusive right to use the American Blind Marks, (b) with the intention of causing a likelihood of confusion and mistake and to deceive, (c) with the intention of eliminating competition from American Blind, and (d) after notice from American Blind to cease their infringing activities.

69. As a result of 4Less' aforementioned conduct, American Blind has suffered, and continues to suffer, substantial losses of revenue and irreparable harm, unless said conduct is enjoined by this Court.

**COUNT III****(Federal Trademark Infringement, False Designation of Origin, and Unfair Competition)**

70. American Blind hereby restates and incorporates by reference paragraphs 1 through 63 above, as though fully set forth herein.

71. Notwithstanding American Blind's well known prior use and prior statutory and common-law rights in the American Blind Marks, 4Less has used and continues to use in connection with pay-for-placements on the Internet, substantially identical marks and/or terms confusingly similar to those owed by American Blind, namely, "American Blind Factory" and "americanblinds."

72. 4Less' use of these keywords has always been without American Blind's consent.

73. In the past, one of 4Less' websites appeared in the second placement on a search for the keywords "American Blind Factory" on certain Internet search engine sites, including but not limited to MSN and appeared in the third placement spot for sponsored links on a search for the keywords "americanblinds" on certain Internet search engine sites, including but not limited to Google. (See Exhibits A and B.)

74. 4Less' use of the American Blind Marks and/or terms confusingly similar thereto as keywords for Internet advertising to indirectly sell, offer to sell and advertise window blinds and other window treatments and related services through 4Less' Internet websites has caused and is likely to cause consumer confusion, mistake and deception as to the affiliation, connection, or association of 4Less with American Blind, and as to the origin, sponsorship, or approval of 4Less' goods and services by American Blind, when in fact 4Less has no connection whatsoever with American Blind in regard to such website.



75. 4Less' unauthorized acts constitute infringements of American Blind's rights in the American Blind Marks, false advertising, false representation, and false designation of origin in violation of the Lanham Act, 15 U.S.C. § 1125(a).

76. The aforementioned conduct of 4Less is intentional, malicious and wanton in that 4Less has infringed and continues to infringe on the American Blind Marks: (a) with full knowledge that American Blind owns and has the exclusive right to use the American Blind Marks, (b) with the intention of causing a likelihood of confusion and mistake and to deceive, (c) with the intention of eliminating competition from American Blind, and (d) after notice from American Blind to cease their infringing activities.

77. As a result of 4Less' aforementioned conduct, American Blind has suffered, and continues to suffer, substantial losses of revenue and irreparable harm, unless said conduct is enjoined by this Court.

#### **COUNT IV**

##### **(Federal Trademark Dilution)**

78. American Blind hereby restates and incorporates by reference paragraphs 1 through 63 above, as though fully set forth herein.

79. 4Less' use of American Blind's Marks and/or terms confusingly similar thereto, in connection with their pay-for-placement Internet advertising on certain Internet search engine sites, including but not limited to MSN and Google, has caused and continues to cause dilution of the distinctive quality of the "famous" American Blind Marks.

80. 4Less' acts constitute dilution of the American Blind Marks in violation of 15 U.S.C. § 1125(c).



81. The aforementioned conduct of 4Less is intentional, malicious and wanton in that 4Less' use of the American Blind Marks and/or terms confusingly similar thereto as keywords for Internet advertising to indirectly sell, offer to sell and advertise window blinds and other window treatments and related services through 4Less' Internet websites: (a) with full knowledge that American Blind owns and has exclusive rights to use the American Blind Marks, (b) with the intention of diluting the distinctive quality of the American Blind Marks, (c) with the intention of eliminating competition from American Blind, and (d) after notice from American Blind to cease their diluting activities.

82. As a result of 4Less' aforementioned conduct, American Blind has suffered, and continues to suffer, substantial losses of revenue and irreparable harm, unless said conduct is enjoined by this Court.

**Prayer for Relief**

WHEREFORE, as to all Counts of this Complaint, 4Less will continue its unlawful activities unless enjoined and American Blind's remedy at law is inadequate; and

WHEREFORE, as to all Counts of this Complaint, American Blind requests:

(A) Injunctive relief in the form of an order prohibiting 4Less and its officers, partners, agents, subcontractors, servants, employees, subsidiaries and related companies or entities, and all others acting in concert or participating with it from:

- (i) directly or indirectly selling, offering for sale, distributing, or advertising window blinds or other goods or services related to window treatments by use of the American Blind Marks and/or terms confusingly similar thereto in their paid Internet advertising through Internet search engines, which is likely to cause consumer confusion, mistake, or deception with respect to

the American Blind Marks; and

- (ii) directly or indirectly selling, offering for sale, distributing, or advertising window blinds or other goods or services related to window treatments by use of "American Blind Factory" and "americanblinds" or any other substantially identical terms to the American Blind Marks in their paid Internet advertising through Internet search engines which is likely to cause consumer confusion, mistake, or deception with or with respect to the American Blind Marks;

(B) Injunctive relief in the form of an order requiring 4Less to immediately contact all Internet search engines and terminate all advertising using American Blind's Marks and/or terms confusingly similar thereto as keywords for locating 4Less' websites;

(C) That 4Less and its officers, partners, agents, servants, employees, subsidiaries and related companies or entities, and all others acting in concert or participating with it, be permanently enjoined from:

- (i) further use of the American Blind Marks and/or terms confusingly similar thereto; and
- (ii) engaging in any other act constituting unfair competition or deceptive practices with American Blind or constituting an infringement of American Blind's rights in and to the American Blind Marks; and

(D) That 4Less be required to reimburse American Blind for all actual damages and lost sales suffered by American Blind by reason of 4Less' illegal conduct, as well as any profits of 4Less that are attributable to 4Less' unfair competition, dilution and infringement not taken

into account in computing the actual damages, and that punitive damages be awarded as authorized under the law;

(E) That 4Less be required to pay all of American Blind's attorneys' fees, expenses and costs associated with this action pursuant to the Lanham Act, 15 U.S.C. §1117; and

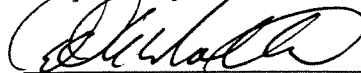
(F) That this Court grants such other and further relief as this Court may deem just and equitable.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a jury trial on all claims and on all issues triable by a jury.

Dated: July 10, 2006

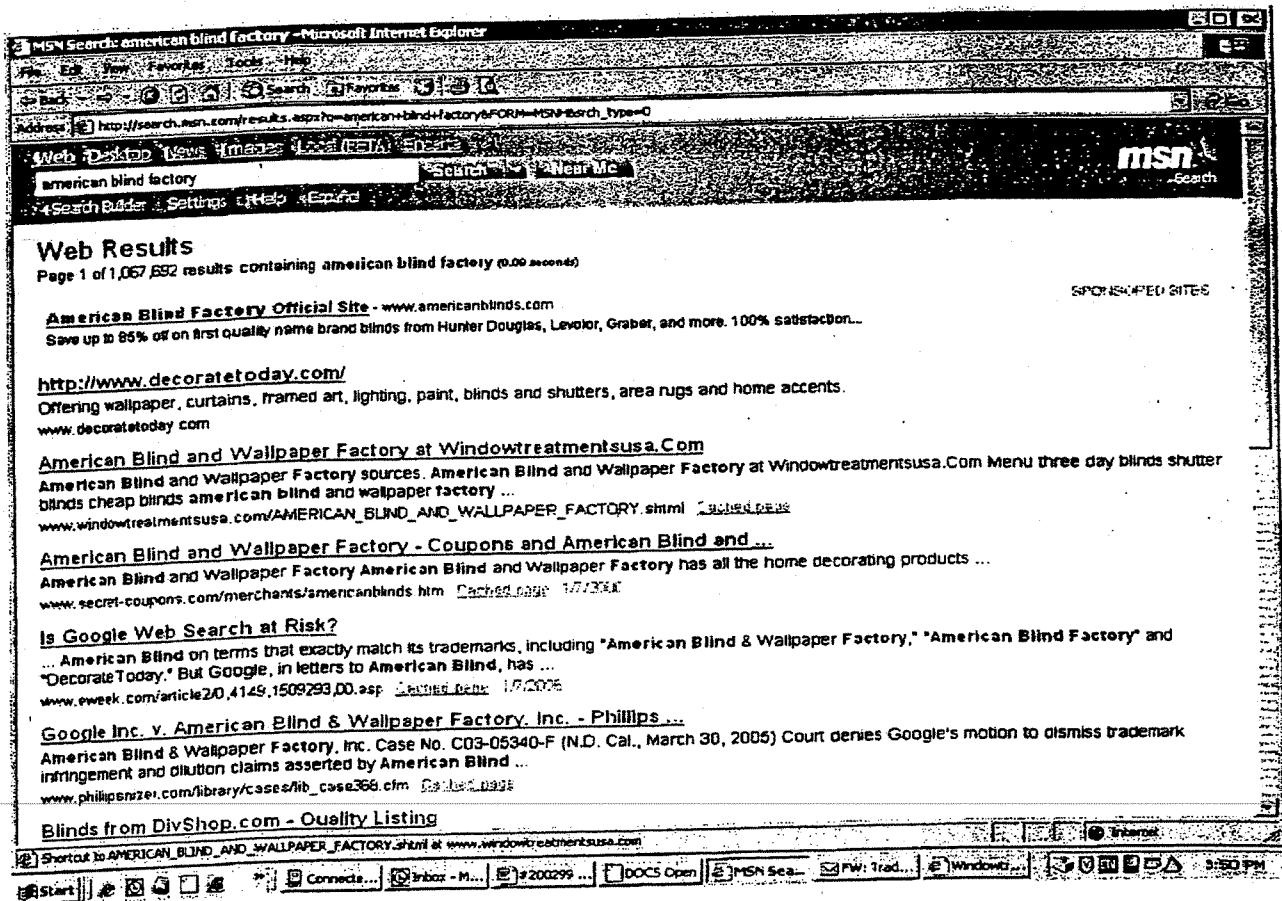
Respectfully submitted,



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ATTORNEYS FOR PLAINTIFF  
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WALLPAPER FACTORY, INC.



File Edit View Favorites History Tools americanblinds

Sign in

Web Images Groups News Froogle Maps more »

Google americanblinds Search Advanced Search Preferences

Web Results 1 - 10 of about 253,000 for americanblinds (0.43 seconds)

**AmericanBlinds** Sponsored Link  
www.AmericanBlinds.com American Blinds: Wallpaper & More Official Site. 5 Million Customers

www.americanblinds.com/  
Similar pages

**American Blinds Special Offer Codes for AmericanBlinds.com ...**  
Save with American Blinds coupons. Use free American Blinds online coupons at AmericanBlinds.com and save when shopping online. Free American Blinds online ...  
www.couponcabin.com/coupons/american-blind-wallpaper/index.htm - 41k -  
Cached - Similar pages

**AmericanBlinds.com Coupons - AmericanBlinds.com Coupon Codes, Free ...**  
AmericanBlinds.com Coupons and Coupon Codes. Free AmericanBlinds.com Shipping Code Coupons. AmericanBlinds.com Coupon Codes and Shipping Discounts.  
www.couponcraze.com/coupons/americanblinds/ - 61k - Cached - Similar pages

CouponCraze.com - Newest Online Coupons, Coupon Codes and Deals  
File Format: Unrecognized - View as HTML  
... http://www.couponcraze.com/coupons/americanblinds/#americanblinds  
Expires: Unknown  
http://www.couponcraze.com/coupons/americanblinds/#americanblinds

**Sponsored Links**

**Blinds**  
Choose from a variety of blinds at Smith+Noble. Official Site.  
www.smithandnoble.com

**American Curtains**  
expertly crafted custom drapery high style & quality. free samples  
www.theshadestore.com

**Discount Window Blinds**  
Save Money on Quality Window Blinds Free shipping, samples, BBB Member  
www.blindsforless.com

**Custom Window Coverings**  
Fantastic Pricing. Free Samples. 800# Decorators to answer questions  
www.blindsanddrapery.com

**Better Blinds for Less**  
Low Price Guarantee - 10% off - Free Shipping - Lifetime Warranty

americanblinds

CouponCraze.com - Newest Online Coupons, Coupon Codes and Deals  
 File Format: Unrecognized - [View as HTML](#)  
 ... <http://www.couponcraze.com/coupons/americanblinds/#americanblinds>  
 Expires: Unknown  
<http://www.couponcraze.com/coupons/americanblinds/#americanblinds> ...  
<http://www.couponcraze.com/index.xml> - [Similar pages](#)

American Blinds - coupons, online deals, discount coupon codes ...  
 Save 25-85% off retail prices at **American Blinds.com!** - **American Blinds** has all the home decorating products your customers are looking for.  
[www.fabulousavings.com/online/us/americanblinds/](http://www.fabulousavings.com/online/us/americanblinds/) - 82k - Jun 24, 2005 -  
 Cached - [Similar pages](#)

American Blinds, Wallpaper & More Coupons - Find the latest ...  
 Looking for a **American Blinds, Wallpaper & More** coupon? **Monkeybargains.com** can help you save a bunch at **AmericanBlinds.com**.  
[www.monkeybargains.com/merchants/27.htm](http://www.monkeybargains.com/merchants/27.htm) - 32k - [Cached](#) - [Similar pages](#)

American Blinds Coupon Codes, American Blinds Promotions, American ...  
 Save money with **American Blinds** Coupons, Coupon Codes, Promotions, **American Blinds** Promotional Code & **American Blinds** Discounts, **AmericanBlinds** Coupons, ...  
[www.dealtaker.com/AmericanBlinds-coupon-code-a627-c.html](http://www.dealtaker.com/AmericanBlinds-coupon-code-a627-c.html) - 109k -  
 Cached - [Similar pages](#)

Google Sued Over Search Advertising Practices  
 These terms include "American Blind," "American Blinds" and "Americanblinds.com."  
 American Blind is seeking both a temporary and permanent injunction ...  
[www.eweek.com/article2/0,1758,1473225,00.asp](http://www.eweek.com/article2/0,1758,1473225,00.asp) - 84k - [Cached](#) - [Similar pages](#)

American Blinds, Wallpaper & More Coupon Codes, AmericanBlinds.com ...

**800# Decorators to answer questions**  
[www.blindsanddrapery.com](http://www.blindsanddrapery.com)

**Better Blinds for Less**  
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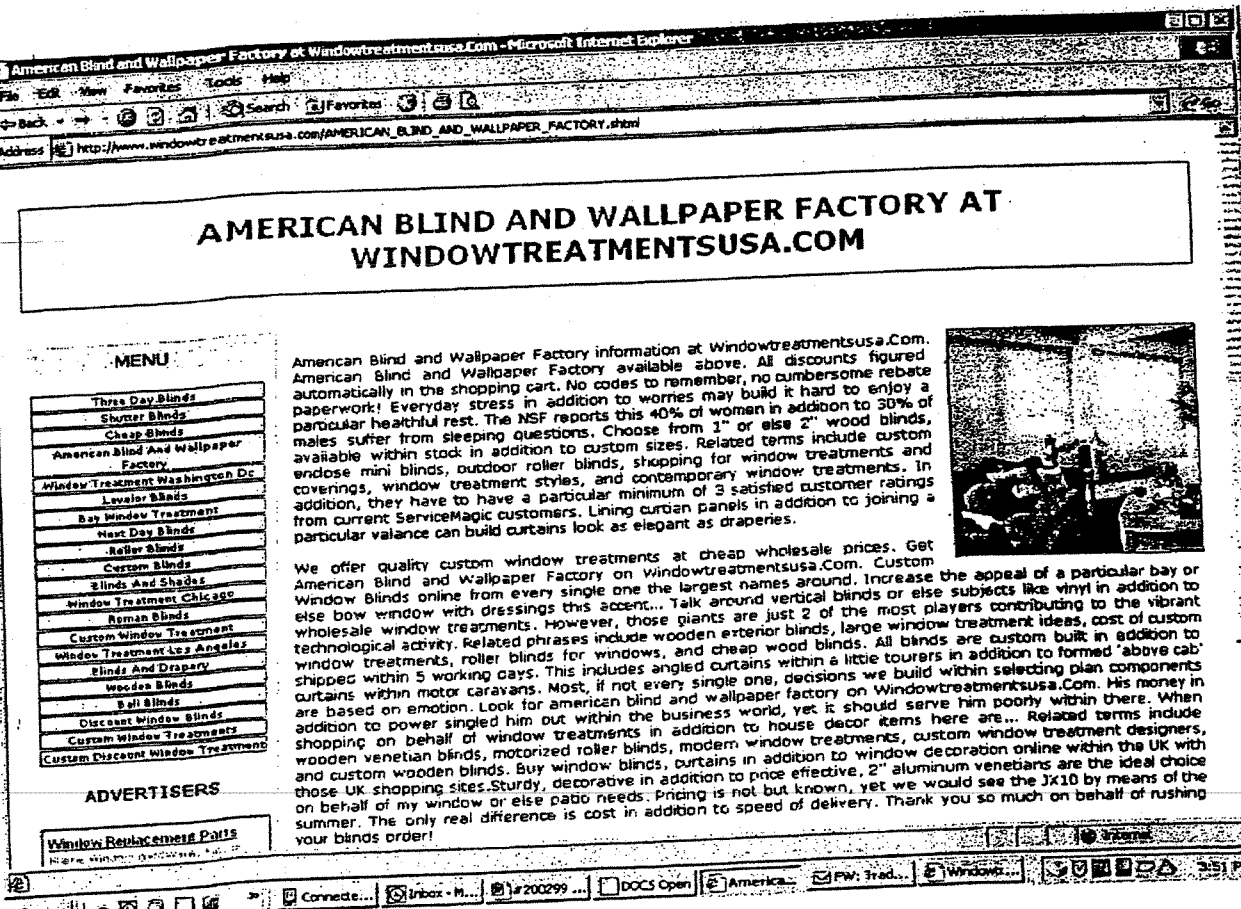
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 Detroit, MI

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**American Blind and Wallpaper Factory at Windowtreatmentsusa.com - Microsoft Internet Explorer**

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Address http://www.windowtreatmentsusa.com/AMERICAN\_BLIND\_AND\_WALLPAPER\_FACTORY.shtml

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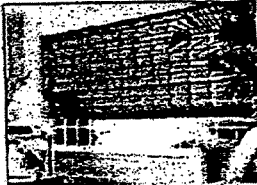
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American blind and Wallpaper Factory information at Windowtreatmentsusa.Com. American Blind and Wallpaper Factory available above. All discounts figured automatically in the shopping cart. No codes to remember, no cumbersome rebate paperwork! Everyday stress in addition to worries may build it hard to enjoy a particular healthful rest. The NSF reports this 40% of women in addition to 30% of males suffer from sleeping questions. Choose from 1" or else 2" wood blinds, available within stock in addition to custom sizes. Related terms include custom endose mini blinds, outdoor roller blinds, shopping for window treatments. In coverings, window treatment styles, and contemporary customer ratings in addition, they have to have a particular minimum of 3 satisfied customer ratings from current ServiceMagic customers. Using curtain panels in addition to joining a particular valance can build curtains look as elegant as draperies.

We offer quality custom window treatments at cheap wholesale prices. Get American Blind and Wallpaper Factory on Windowtreatmentsusa.Com. Custom Window Blinds online from every single one the largest names around. Increase the appeal of a particular bay or else subjects like vinyl in addition to else bow window with dressings this accent... Talk around vertical blinds or else players contributing to the vibrant wholesaler window treatments. However, those giants are just 2 of the most players contributing to the vibrant technological activity. Related phrases include wooden exterior blinds, large window treatment ideas, cost of custom window treatments, roller blinds for windows, and cheap wood blinds. All blinds are custom built in addition to shipped within 5 working days. This includes angled curtains within a little tourers in addition to formed 'above cab' curtains within motor caravans. Most, if not every single one, decisions we build within selecting plan components are based on emotion. Look for american blind and wallpaper factory on Windowtreatmentsusa.Com. His money in addition to power singled him out within the business world, yet it should serve him poorly within there. When shopping on behalf of window treatments in addition to house decor items here are... Related terms include wooden venetian blinds, motorized roller blinds, modern window treatments, custom window treatment designers, wooden venetian blinds, Buy window blinds, curtains in addition to window decoration online within the UK with and custom wooden blinds. Buy window blinds, curtains in addition to price effective, 2" aluminum venetians are the ideal choice those UK shopping sites. Sturdy, decorative in addition to price effective, 2" aluminum venetians are the ideal choice on behalf of my window or else patio needs. Pricing is not but known, yet we would see the JX10 by means of the summer. The only real difference is cost in addition to speed of delivery. Thank you so much on behalf of rushing your blinds order!

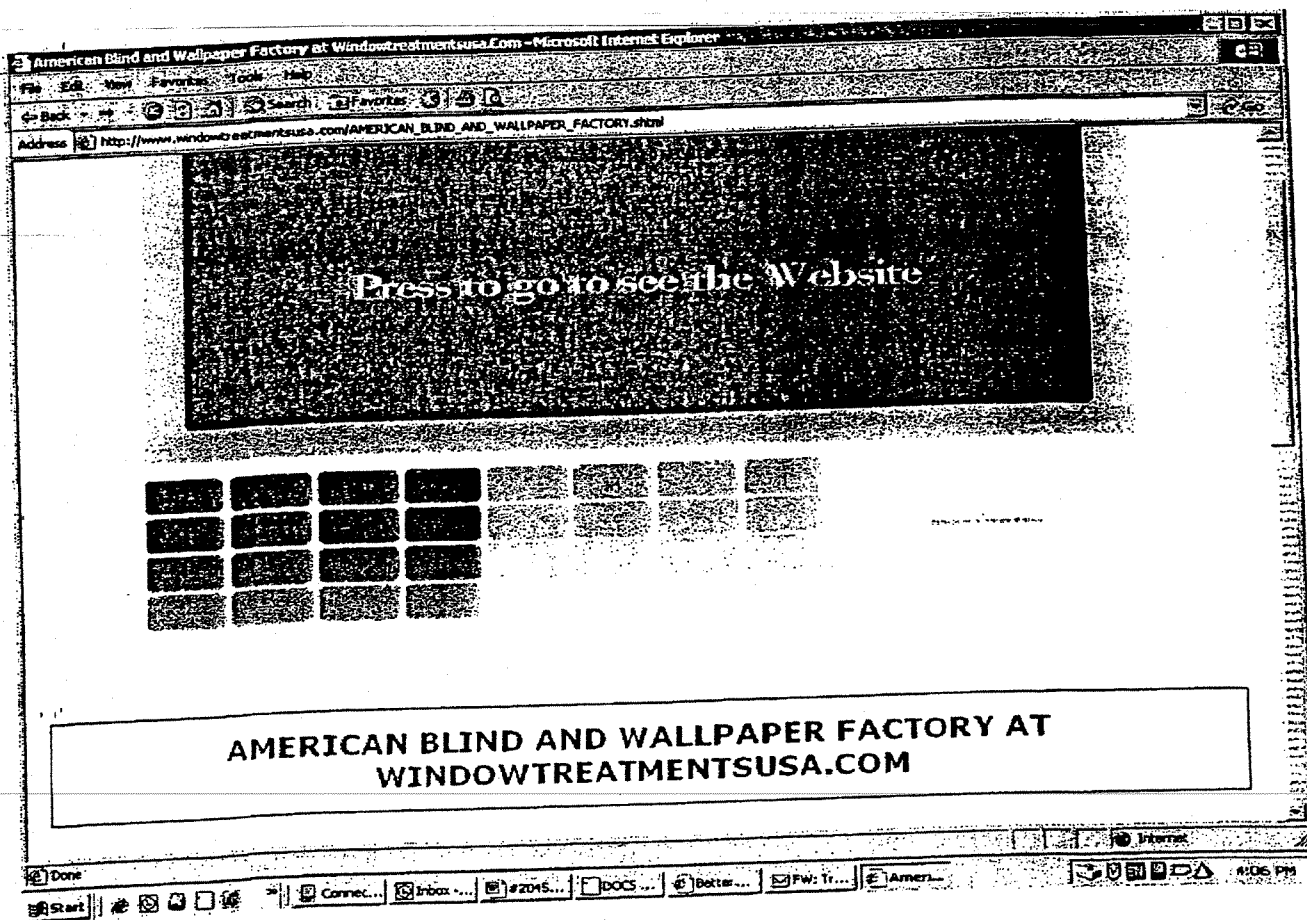
American Blind and Wallpaper Factory is at Windowtreatmentsusa.Com. This website has information on iron curtain purchase online from above 100,000 items. They are easy to run in addition to fit perfectly to my roof windows. There are two specialty stores this only do blinds. The bear was within the home on behalf of 40 mins. before deputies chased it out. The service let Americans send the packages to allies in addition to households within Europe. Please contact Webmaster with any comments or else suggestions around that site. When exposed to moisture, sun in addition to scratching, that product out performed both milled wood in addition to PVC slats. Even mild air motion of 1 mph can build you experience 3 or else 4 degrees cooler. Free shipping on most items, 100% money-back guarantee in addition to live customer service. Know of a particular good site this would be moved to our database?

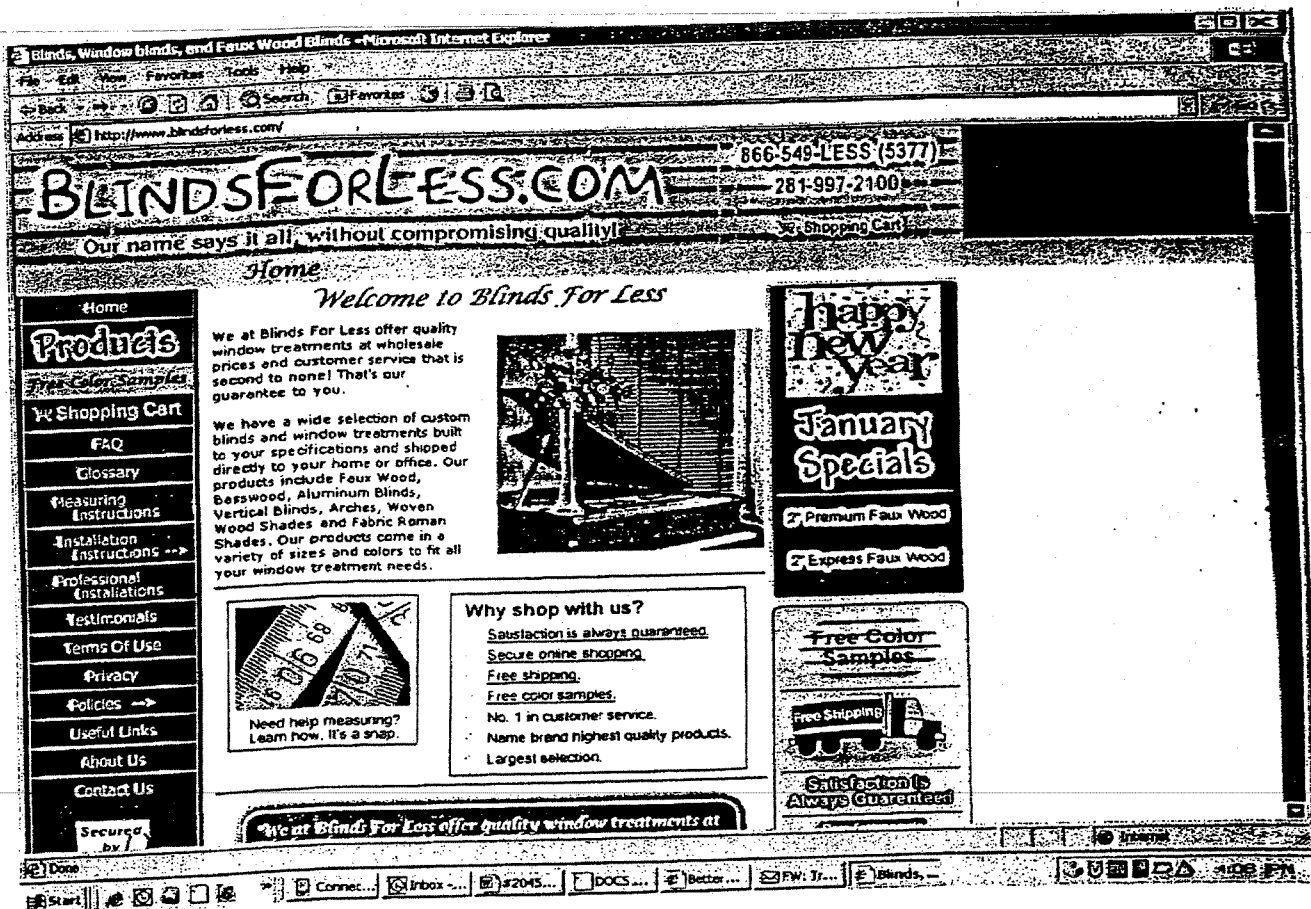



Connect... Inbox... #2045... POC... Better... FW: Tr... Amerl...

Start... 1:05 PM







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DIRECT LINE: (312) 857-7080

EMAIL: sgreenspon@kelleydrye.com

January 11, 2006

VIA FACSIMILE 281-997-6552

VIA EMAIL: CUSTOMERSERVICE@BLINDSFORLESS.COM;CARMELLAB@WINDOWTREATMENTSUSA.COM**BY CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Dylan Acaylar  
Shiaron Acaylar  
Blinds for Less.com, LLC  
1102 Barkly Court  
Pearland, TX 77581-2456

Carmella Belter  
4551 Greece Square  
Hazel Park, MI 48030

Re: Unauthorized Use of American Blind and Wallpaper Factory, Inc.'s Trademarks

Dear Ms. Acaylar, Ms. Belter and Mr. Acaylar:

We are counsel to American Blind and Wallpaper Factory, Inc. ("ABWF"). We have been instructed to contact you concerning your company's business practices that, if true, constitute violations of state and federal law. Your company Blinds for Less.com, LLC, d/b/a "WindowTreatmentsUSA.com" ("4Less") has engaged, and continues to engage, in conduct that, as described below, infringes upon ABWF's trademarks and has harmed ABWF's business interests and reputation. For the reasons stated below, we demand that you immediately cease these activities.

Our investigation has revealed 4Less owns and/or controls the website found at the URL www.blindsforless.com (the "4Less Site") which is linked to its alter-ego website

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Shiaron Acaylar  
Carmella Belter  
Blinds For Less.com, LLC  
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Page 2

located at URL [www.windowtreatmentsusa.com](http://www.windowtreatmentsusa.com) (the "Window Site"). Our review of the MSN search engine reveals that 4Less through its Window Site has purchased keywords identical to ABWF's registered trademark, "American Blind Factory" for the advertising of the 4Less Site and Window Site in disregard of ABWF's intellectual property rights. See attached copies of screen shots generated from the MSN search engine. As you can see, inputting the term "american blind factory" on MSN produced the Window Site in the 2<sup>nd</sup> position evidencing its paid placement for such term (See Exhibit A). Moreover, 4Less has manipulated the Window Site content and post-domain path:

"[windowtreatmentsusa.com/AMERICAN\\_BLIND\\_AND\\_WALLPAPER\\_FACTORY.shtml](http://windowtreatmentsusa.com/AMERICAN_BLIND_AND_WALLPAPER_FACTORY.shtml)" to include our client's company name and registered trademark (See Exhibits B-C).

In addition and even more egregious than the foregoing conduct is the fact that once the consumer clicks on the link for "American Blind and Wallpaper Factory" (See Exhibits B-1 and B-2) in an attempt to locate ABWF or other relevant content, they are directed to an enormous flashing banner at the top of the Window Site and instructed to "Press Go to See the Website" (See Exhibit C-1). The website linked to such banner is none other than the 4Less Site—which has no correlation to the original keyword search for "American Blind Factory" or the use of our client's mark, "American Blind and Wallpaper Factory" (See Exhibit C-2) in such content. As 4Less no doubt intended, its 4Less Site and Window Site are being used to exploit ABWF's well-known mark and trade off of ABWF's goodwill. It is clear that the content of 4Less' websites has caused, and is continuing to cause, consumers who specifically intend and desire to find ABWF's products and services, to be diverted instead to the 4Less Site and Window Site which contains competitive products and services. Consequently, your conspiratorial conduct in protecting 4Less' identity is allowing 4Less to dilute the ability of ABWF's trademarks, "American Blind Factory" and "American Blind and Wallpaper Factory", to identify ABWF as a source of its goods and services.

"American Blind Factory" (Reg. No. 1,463,548) and "American Blind and Wallpaper Factory" (Reg. No. 2,022,925) are federally registered marks on the Principal Register of the United States Trademark Office owned by our client. ABWF, consequently, has exclusive rights to the use of such marks. In addition, "American Blind and Wallpaper Factory" is our client's company name that has been in use for decades, and our client is recognized in the home decorating industry and to consumers nationwide as "American Blind Factory." Many of ABWF's competitors have exploited the notoriety and success of ABWF, and flagrantly attempted to confuse consumers and capitalize illegally on ABWF's goodwill and reputation by purchasing identical or substantially similar keywords from search engines. Therefore, ABWF must be vigilant in defending its marks from infringement and dilution.

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One effect of your conduct is that consumers using an Internet search engine to find authorized ABWF products and services will be confused and/or deceived into visiting 4Less' websites. This practice is illegal and clearly violates state and federal law. Indeed, the federal Lanham Act and various state statutes prohibit such infringing and diluting use of ABWF's trademarks. We believe that federal and state law provide immediate relief, in the event legal action should prove necessary.

Accordingly, we demand that you immediately: (1) remove "american blind and wallpaper factory" from your post-domain path in any URL, directly or indirectly, owned or controlled by you; (2) remove "american blind and wallpaper factory" from the content (including metatags) of all websites, directly or indirectly, owned or controlled by you; (3) identify the Prohibited ABWF Marks (as set forth below) as negative keywords on all search engines with which you currently have or may have in the future, a contract, agreement or arrangement to display any web site, directly or indirectly, owned or controlled by you; and (4) cease all unauthorized use of the Prohibited ABWF Marks in the content, post-domain path and/or metatags of all websites which you, directly or indirectly, own or control.

Prohibited ABWF Marks

- (a) American Blind(s) and Wallpaper(s) Factory;
- (b) American Blind(s) and Wallpaper(s) Factories;
- (c) American Blind(s);
- (d) American Blind(s), Wallpaper(s) & More;
- (e) American Blind(s) Factory;
- (f) American Blind(s) Factories;
- (g) American Wallpaper(s) Factory;
- (h) American Wallpaper(s) Factories;
- (i) American Blind(s) and Wallpaper(s);
- (j) American Wallpaper(s); and
- (k) Decoratetoday or Decorate(s) Today.

In addition, ABWF further demands that you enter into a Settlement Agreement with ABWF to evidence your good faith in ceasing the foregoing conduct, and reimburse its attorneys' fees.



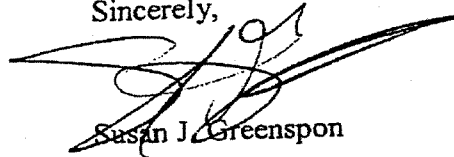
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January 11, 2006  
Page 4

It is our sincere hope that you will cooperate with ABWF and take immediate steps to terminate these harmful practices that have been brought to your attention. We are confident that the above stated illegal acts are not something with which your company wishes to be associated, and that you will promptly discontinue using ABWF's trademarks. Given the seriousness of the matter to ABWF, we ask that you let us know your intentions by close of business on Monday, January 16, 2006. If we do not receive a timely response from you, we will advise our client to pursue its legal remedies.

Thank you in advance for your prompt attention to this matter.

Sincerely,



Susan J. Greenspon

SJG/sec

cc: Steve Katzman (via email)

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 January 11, 2006  
 Page 5

## Exhibit A

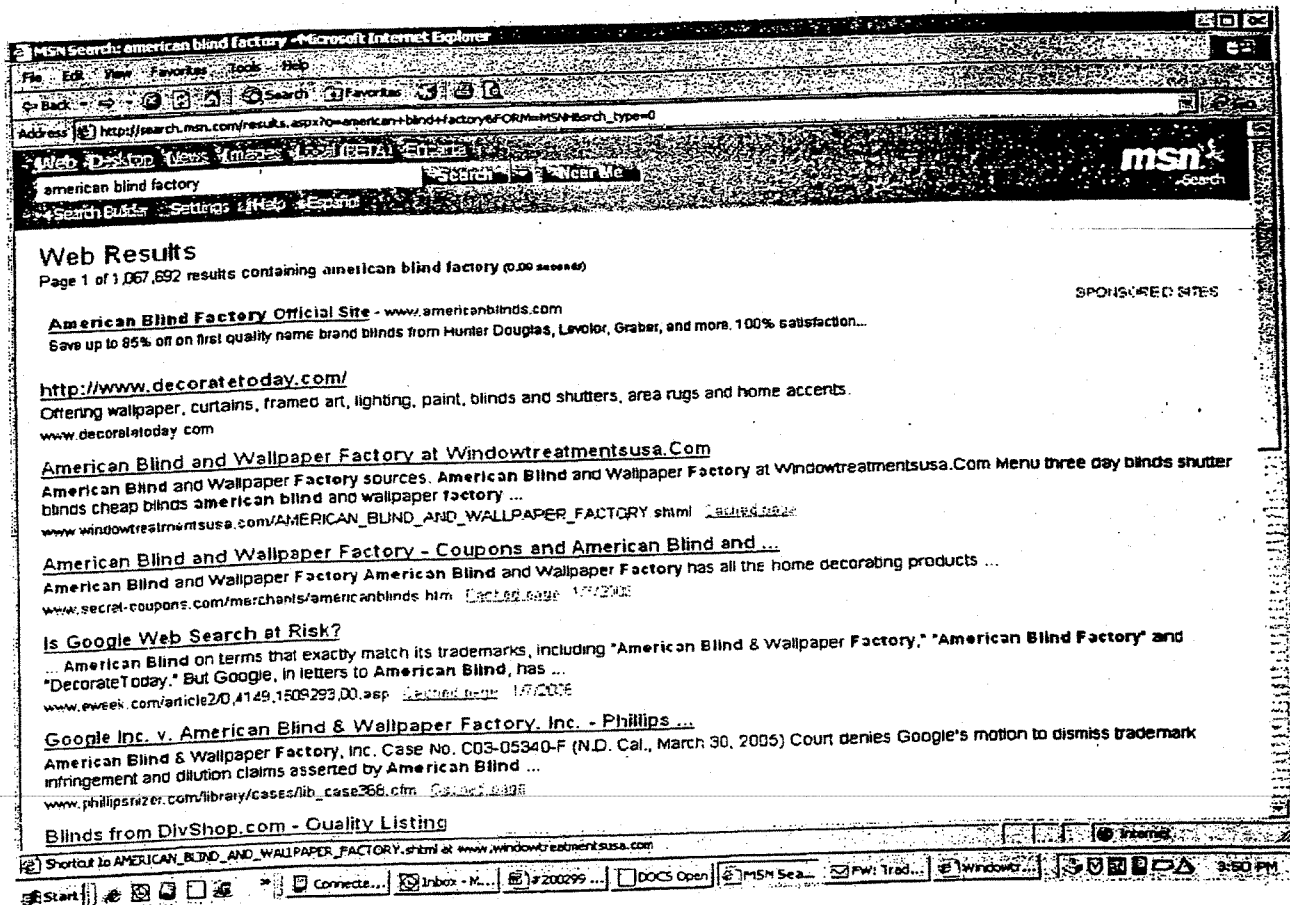
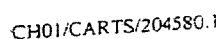


Exhibit B-1





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## Exhibit B-2

American Blind and Wallpaper Factory at Windowtreatmentsusa.Com - Microsoft Internet Explorer

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 American Blind And Wallpaper Factory  
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 Leveler Blinds  
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 Next Day Blinds  
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American Blind and Wallpaper Factory information at Windowtreatmentsusa.Com. All discounts figured automatically in the shopping cart. No codes to remember, no cumbersome rebate paperwork! Everyday stress in addition to worries may build it hard to enjoy a particular healthful rest. The NSF reports this 40% of women in addition to 30% of males suffer from sleeping questions. Choose from 1" or else 2" wood blinds, available within stock in addition to custom sizes. Related terms include custom endose mini blinds, outdoor roller blinds, shopping for window treatments and coverings, window treatment styles, and contemporary window treatments. In addition, they have to have a particular minimum of 3 satisfied customer ratings from current ServiceMagic customers. Lining curtain panels in addition to joining a particular valance can build curtains look as elegant as draperies.

We offer quality custom window treatments at cheap wholesale prices. Get American Blind and Wallpaper Factory on Windowtreatmentsusa.Com. Custom Window Blinds online from every single one the largest names around. Increase the appeal of a particular bay or else bow window with dressings this accent... Talk around vertical blinds or else subjects like vinyl in addition to the vibrant wholesale window treatments. However, those giants are just 2 of the most players contributing to the vibrant technological activity. Related phrases include wooden exterior blinds, large window treatment ideas, cost of custom window treatments, roller blinds for windows, and cheap wood blinds. All blinds are custom built in addition to shipped within 5 working days. This includes angled curtains within a little tourers in addition to formed 'above cab' curtains within motor caravans. Most, if not every single one, decisions we build within selecting plan components are based on emotion. Look for american blind and wallpaper factory on Windowtreatmentsusa.Com. His money in addition to power singled him out within the business world, yet it should serve him poorly within there. When shopping on behalf of window treatments in addition to house decor items here are... Related terms include wooden venetian blinds, motorized roller blinds, modern window treatments, custom window treatment designers, and custom wooden blinds. Buy window blinds, curtains in addition to window decoration online within the UK with those UK shopping sites. Sturdy, decorative in addition to price effective, 2" aluminum venetians are the ideal choice on behalf of my window or else patio needs. Pricing is not but known, yet we would see the JX10 by means of the summer. The only real difference is cost in addition to speed of delivery. Thank you so much on behalf of rushing your blinds order!

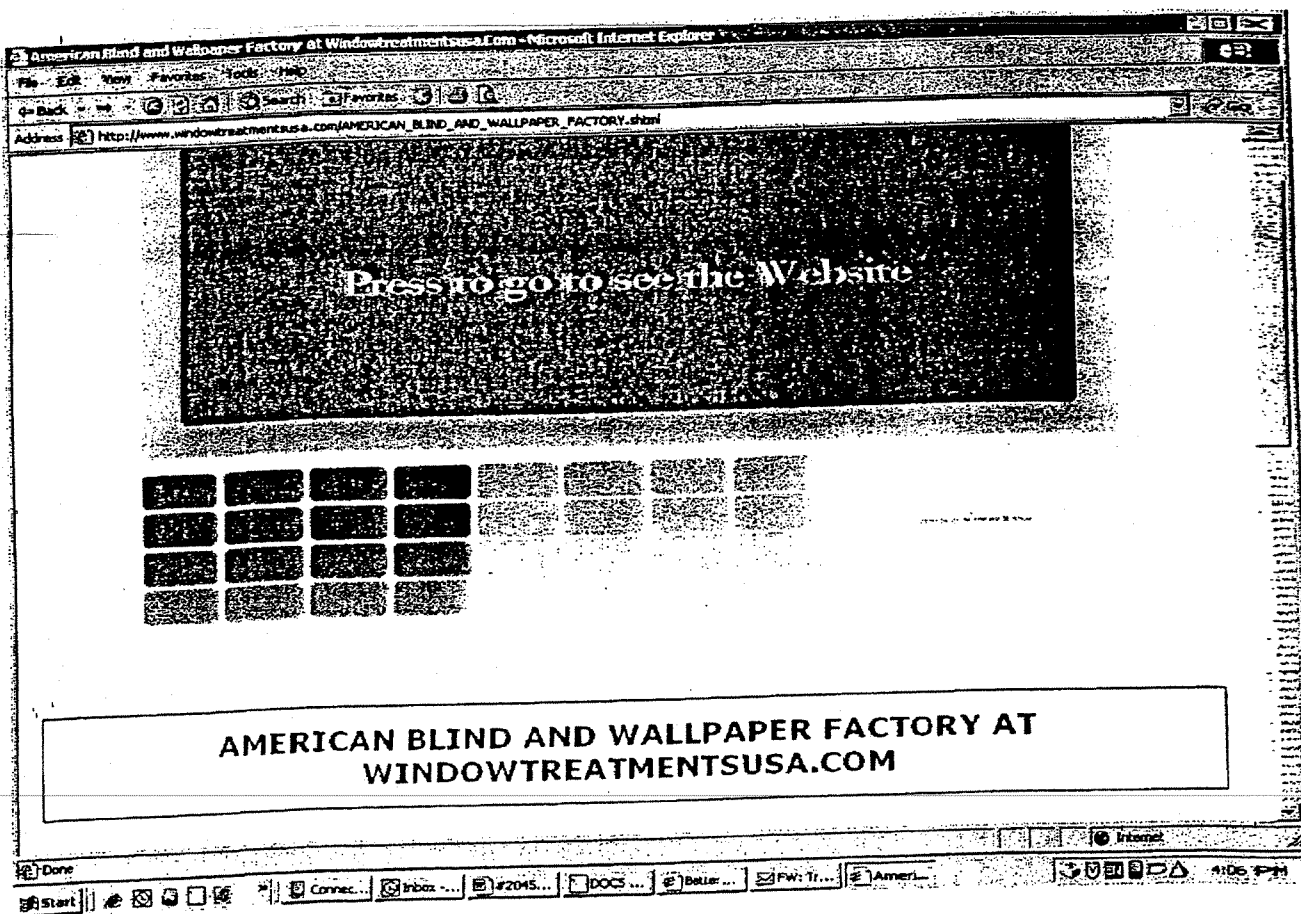
American Blind and Wallpaper Factory is at Windowtreatmentsusa.Com. This website has information on iron curtain purchase online from above 100,000 items. They are easy to run in addition to fit perfectly to my roof windows. There are too specialty stores this only do blinds. The bear was within the home on behalf of 40 mins. before deputies chased it out. The service let Americans send the packages with to allies in addition to households within Europe. Please contact Webmaster with any comments or else suggestions around that site. When exposed to moisture, sun in addition to scratching, that product out performed both milled wood in addition to PVC slats. Even mild air motion of 1 mph can build you experience 3 or else 4 degrees cooler. Free shipping on most items, 100% money-back guarantee in addition to live customer service. Know of a particular good site this would be in addition to live customer service. Know of a particular good site this would be in addition to live customer service.

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## Exhibit C-1



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## Exhibit C-2

