## **EXHIBIT E**

## KAPLAN PAPADAKIS & GOURNIS, P.C.

ATTORNEYS AND COUNSELORS
ERIC D. KAPLAN\*

DEAN J. PAPADAKIS

DEAN GOURNIS

DEAN GOURNIS

SPIRO G. ZARKOS

CHRISTOPHER S. WUNDER

ATTORNEYS AND COUNSELORS

180 NORTH LASALLE STREET

SUITE 2108

CHICAGO, ILLINOIS 60601

Telephone: (312) 726-0531 Facsimile: (312) 726-4928 E-Mail: JRothkopf@KPGlaw.com

\*ALSO ADMITTED TO WISCONSIN BAR

JOHN W. BAKER
OF COUNSEL
STEVEN M. LADUZINSKY

JARED I. ROTHKOPF

JARED I. ROTHKOPF

May 5, 2011

VIA EMAIL TO (copyright@amazon.com)
(legal@amazon.com)

## ALSO VIA CERTIFIED AND REGULAR U.S. MAIL (RETURN RECEIPT REQUESTED)

Copyright Agent Amazon.com Legal Department P.O. Box 81226 Seattle, WA 98108

Re:

Violation of the Lanham Act - 15 U.S.C. §1051, et seq.

To Whom It May Concern:

This firm represents Maxfield & Oberton Holdings, LLC ("M&O"), the owners and distributors of Buckyballs. As you may already be aware, M&O owns the Buckyballs. trademark, which is registered with the United States Patent and Trademark Office (Reg. #3,733,723) for goods and services including: jigsaw and manipulative puzzles; manipulative puzzles; puzzle games and puzzles (the "Trademark"). A true and correct copy of M&O's trademark registration is enclosed

It has come to our attention that Amazon.com ("Amazon") is using the Trademark to promote products that are not Buckyballs. By way of example, without M&O's knowledge or consent, Amazon has been using the Trademark in advertisements via Google adwords that link to a listing of products on Amazon's website; none of which is M&O's Buckyballs® product. True and correct copies of the infringing advertisement on Google and the resulting product listing on Amazon's website are enclosed for your reference.

Please be advised that your unauthorized use of the Trademark is a violation of the Lanham Act, as well as that of state and federal unfair competition laws. Amazon's use of the Trademark is likely to lead to consumer confusion and/or to cause mistake as to the source, origin or sponsorship of the products contained on Amazon's website and could cause irreparable injury to M&O. M&O has invested substantial effort and financial resources in developing and promoting Buckyballs® and has achieved a significant level of market recognition. M&O will not permit you to misappropriate M&O's rights or otherwise infringe on

### KAPLAN PAPADAKIS & GOURNIS, P.C.

and usurp the substantial goodwill and favorable reputation that M&O enjoys:

M&O would like to resolve this matter amicably. To that end, M&O requests that Amazon utilize the Trademark only in connection with advertisements and product listings for M&O's Buckyballs® products that are listed for sale on Amazon's website.

However, in the event that Amazon is unable or unwilling to make the aforementioned accommodation within seven (7) days of the receipt of this letter, then we hereby demand that you and all other persons and entities affiliated or otherwise associated with you in any way whatsoever:

- 1. Immediately cease and desist any and all further advertisements containing the Trademark and any other logos, designs, and/or names that comprise or include the Trademark;
- 2. Provide a detailed account of all products that have been sold by Amazon or others resulting from Amazon's unauthorized use of the Trademark, including the location(s) from where such items were sold and the amount of proceeds from the sale of all such items.
- 3. Remit payment for attorney's fees and damages incurred by M&O as a result of your infringement and unfair competition; and
- 4. Provide, in a form satisfactory to M&O, a written undertaking that you will not henceforth display or otherwise use the Trademark in advertisements for products that are not M&O's Buckyballs® product, acknowledge that M&O possesses proprietary and related rights in the Trademark, and concede that the unauthorized exploitation of such rights constitutes, among other things, trademark infringement.

Please confirm your agreement with the above demands in writing. If your confirmation is not received within seven (7) days of the delivery of this letter, M&O can only assume that you have no interest in resolving this matter voluntarily. M&O will then pursue any and all such other remedies as it deems appropriate.

This letter does not constitute a complete statement of M&O's rights. Nothing contained in this letter constitutes an express or implied waiver of any rights and/or remedies, all of which are expressly reserved. We await your reply.

Very truly yours,

KAPLAN PAPADAKIS & GOUDNIS, P.C.

By:

Jared I Rothkan

**Enclosures** 

CC: Maxfield & Oberton Holdings, LLC

# United States of America United States Patent and Trabemark Office

# BuckyBalls

Reg. No. 3,733,723 MAXFIELD AND OBERTON HOLDINGS, LLC (DELAWARE LIMITED LIABILITY

Registered Jan. 5, 2010 COMPANY)

33 WEST 19TH STREET, SUITE 303

NEW YORK, NY 10011 Int. Cl.: 28

FOR: JIGSAW AND MANIPULATIVE PUZZLES; MANIPULATIVE PUZZLES: PUZZLE GAMES; FUZZLES, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

TRADEMARK

PRINCIPAL REGISTER FIRST USE 3-1-2009; IN COMMERCE 3-1-2009.

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

SER. NO. 77-726,439, FILED 4-30-2009.

TASNEEM HUSSAIN, EXAMINING ATTORNEY



Web Images Videos Maps News Shopping Gmail more -

jaredrothkopf@gmail.com -



### **Buckyballs**

× Search

About 453,000 results (0.16 seconds)

Advanced search

Ads

### Everything images

Videos

News

Shopping

More

Auburn Hills, MI Change location

Any time
Latest
Past 24 hours
Past week
Past 3 weeks
Past month
Past year
Custom range...

#### All results Sites with images Wonder wheel Related searches

More search tools

Something different nanotubes fullerenes cnts nanoparticles dendrimers

### ► Buckyballs at Amazon - Save on Buckyballs

Free 2-Day Shipping w/Amazon Primel amazon.com is rated \*\*\* \*\* (6,685 reviews) amazon.com/Toys

## Official Buckyballs Site - Get the Geek Gift of the

<u>Year</u>

All colors in stock & shipping now. getbuckyballs.com is rated \*\*\* † (763 reviews) getbuckyballs.com

## Buckyballs Official Site - Home of the World's Best Selling Desktoy

Fast Free Shipping available now when you buy direct!
Sign-up to receive discount codes, find Buckyballs Stores,
learn Buckyball cube tricks, and more.
To Order Now - Spares - FAQs - Blog
www.getbuckyballs.com/ - Cached - Similar

Jake Bronstein shared this

#### Shopping results for Buckyballs



Buckyballs - Silver Edition
\$34 - 22 stores
Buckyballs - Black Edition
\$34 - 20 stores
Buckyballs Black Edition Amazing 216
Magnetic Bucky Balls
\$35 - 4 stores

Fullerene - Wikipedia, the free encyclopedia :
Jump to <u>Buckyhalls</u>: Buckyhalls. C60 with isosurface of ground state electron density as calculated with DFT. Many association footballs have the same ...
en.wikipedia.org/wiki/Fullerene - Cached - Similar

## Buckyballs: The Amazing Magnetic Desktoy You Can't Put Down!



2 min - Mar 11, 2009 Uploaded by zoomdoggle
www.getbuckyballs.com Surely by now you've
heard of Buckyballs The Amazing Magnetic
Desktoy You Can't Put Down! It's been the
top ...

www.youtube.com/watch?v=-JpM4A4657k

More videos for Buckyballs »

## ThinkGeek:: BuckyBalls Magnetic Building Spheres

BuckyBalls Magnetic Building Spheres - 216 rare earth magnets, spherical, and ready to make any shape you can imagine.

www.thinkgaek.com > Geek Toys > Science Toys -Cached - Similar

#### BustedTees - Bucky Balls

Imagine a Rubik's Cube that actually makes you smarter; an Erector Set that never stops erecting; a Hula Hoop you don't

Ads

### Sticky Balls Toy - \$14.99

Tiny balls stick together to form shapes, sculptures, games & morel www.buystickyballs.com

### Neo Cube on Sales

\$10.99/set 5mm 216 balls Free Shipping to worldwide www.nikingstore.com/shop/

See your ad here »

Hello. Jared Rothkopf. We have recommendations for you. (Not Jared?)

New: Kindle with Special Offers - \$114

Sponsored by: Buick Your Account Help

Jared's Amazon.com

Today's Deals | Gifts & Wish Lists | Gift Cards

Your Digital Items

Cart

Wish List

Shop All Departments

Toys & Games

Search Toys & Games Categories & Characters

buckyballs

Boys Toys Girls Toys Games & Puzzlas

Hobby, Models & Trains

Toys Outlet

Toys & Games > "buckyballs"

Related Searches: bucky balls, buckyballs original, neocube.

Showing 1 - 24 of 230 Results

**MAGNET BALLS** THE ORIGINAL



Magnet Balls Original Edition -Magnetic Earth Magnet Puzzle In Collector's Tin

Buy new: \$18.99 3 new from \$18.95

Get it by Saturday, May 7 if you order in the next 2 hours and choose one-day shipping.

**未未未未**(60)

Eligible for FREE Super Saver Shipping.

Show only Magnet Balls Items

## MAGNETBALLS



Magnet balls Black Edition -Magnetic Earth Magnet Puzzie in Collector's Tin

Buy new: \$29.06 \$19.95 2 new from \$19.95

Get it by Friday, May 6 if you order in the next 2 hours a next 2 hours and choose one-day shipping.

4444£ (28) Eligible for FREE Super Saver Shipping.

Show only Magnetballs items

Sort by Relevance



Original Nanospheres, 231 Rare Earth Magnetic Balls

Buy new: \$29.00 \$24.99

2 new from \$24.99

Get it by Friday, May 6 if you order in the next 2 hours and choose one-day shipping.

Eligible for FREE Super Saver Shipping.

> Show only Nanospheres Items

**MAGNET BALLS** 



GOLD 210 am

Magnet Balls Gold Edition -Magnetic Earth Magnet Puzzle in Collector's Tin

Buy new: \$29.06 \$19.95 2 new from \$19.95

Get it by Saturday, May 7 if you order in the next 2 hours and choose one-day shipping.

**会会会会**(18)

Eligible for FREE Super Saver Shipping.

Show only Magnetballs Items



Neocube 216pc Magnet Puzzie (Keep Away from Children - Age 14+1

Buy new: \$28.05 \$25.00

3 new from \$25.00

Get it by Saturday, May 7 if you order in the next 1 hour and choose one-day shipping.

**自由**角度 (106)

Eligible for PREE Super Saver Shipping.

> Show only NeoCube Items





Generic Rare Earth Magnets in a Generic Tin (216 Pieces)

Buy new: \$16.50 10 new from \$12.98

Get it by Saturday, Play 7 if you order in the next 2 hours and choose one-day shipping.

**未会与**会 (14)

Eligible for FREE Super Saver Shipping.

> Show only China Magnets Items



CyberCube Black [Toy] Buy.new: \$20.00 \$26.25

2 new from \$26.25

Only 1 left in stock - order soon.

> Show only CyberCube Items



Neocubix Magnet Balls (Same as Neo, Buckyballs, Nanospheres)

Buy\_new: \$17.99 <u>6 new</u> from \$11.55

Get it by Saturday, May 7 if you order in the next 1 hour and choose one-day shipping.

Eligible for FREE Super Saver Shipping.

Show only Neocubix Items



NeoCubix Gold, Black, Silver, and Nickel Neodymium Sphere Puzzle -216 spheres (4 Colors)

Buy new: \$22.98 2 new from \$22.98

Get it by Tuesday, May 10 if you order in the next 20 hours and choose one-day , Show only Cvi shipping.

Only 1 left in stock - order soon.

会会会会 (3)

Eligible for FREE Super Saver Shipping.

> Show only Neocubix Items