

**EXHIBIT D**  
TO THE  
DECLARATION OF  
JEFFREY R. WANG

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July 13, 2009

VIA FEDERAL EXPRESS

David Zapolsky, Esq.  
Vice President and  
Associate General Counsel  
Amazon.com, Inc.  
1200 12<sup>th</sup> Avenue South, Suite 1200  
Seattle, WA 98144-273

VIA EMAIL (cguinn@amazon.com)

Chris Guinn, Esq.  
Senior Corporate Counsel,  
Intellectual Property  
Amazon.com, Inc.  
1200 12<sup>th</sup> Avenue South, Suite 1200  
Seattle, WA 98144-2734

Re: Amazon's "Beware the SCAM Artists" Online Ad Campaign;  
Unauthorized Use of ONEQUALITY.COM Mark; False  
Advertising; Unfair Competition; Unfair Trade Practices

Dear Messrs. Zapolsky and Guinn:

This firm represents Sellify, LLC ("Sellify"), a Connecticut limited liability company. I write in furtherance of my letter to L. Michelle Wilson, the Senior Vice President, General Counsel and Secretary of Amazon.com, Inc. ("Amazon"), dated May 8, 2009. Sellify is the owner of the service mark ONEQUALITY.COM (the "Mark"), in connection with the online sale of (*inter alia*) used and overstocked electronic and digital consumer products via its OneQuality.com web site.

As I detailed in my earlier letter, Amazon has been running a crude and false online advertising campaign, triggered by phrases (principally my client's identifying mark and at least one misspelling thereof) evidently purchased as advertising keywords from Google. The campaign inexplicably targets Sellify, painting this much smaller company and its people as "SCAM Artists" and "Scammers," and is unfairly and illegally crippling Sellify's ability to compete in the online marketplace.

We were frankly astonished that a company of Amazon's stature would stoop to such a tactic. We had imagined that it was the brainchild of an overzealous marketing employee who was acting without the knowledge or authorization of Amazon's executives. However, my letter, which demanded an end to this campaign and

David Zapolsky, Esq.  
Chris Guinn, Esq.  
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invited Ms. Wilson to initiate settlement discussions, was ignored. The campaign continues, and the injury to my client persists.

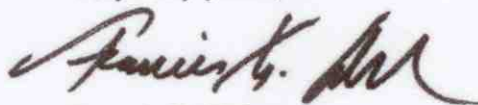
Consequently, I enclose a draft complaint, which will be filed in U.S. District Court no later than 3:00 pm (EDT) on July 21, 2009, unless I am contacted by Amazon with a good-faith proposal to settle this matter.

As you are no doubt aware, courts have begun to recognize that the use of a competitor's trademark as an online advertising keyword may be deemed a "use in commerce" for Lanham Act purposes. *See, e.g., Rescuecom Corp. v. Google, Inc.*, 562 F.3d 123 (2<sup>nd</sup> Cir. 2009). If so, that alone could make Amazon an infringer of Sellify's marks. But in this case, Amazon goes much further: it uses Sellify's marks to trigger "sponsored links" that are false, misleading, and defamatory, and actionable not only under the Lanham Act but under the Connecticut Unfair Trade Practices Act (CUTPA), as well as under the common law of Connecticut (the state in which Sellify is headquartered).

I would think that Amazon would wish to avoid litigation over its online advertising practices, including its purchases of competitors' trademarks as keywords, particularly where, as here, the narrative concerning what Amazon did with those keyword purchases is so damning. We therefore invite Amazon, for one final time, to participate in meaningful settlement discussions before we initiate litigation.

I look forward to hearing from you or one of your colleagues, or outside counsel, regarding this serious matter.

Very truly yours,



Francis X. Dehn

cc: L. Michelle Wilson, Esq.  
Senior Vice President, General Counsel  
and Secretary  
Scott Hayden, Esq.  
Vice President/Intellectual Property  
Amazon.com, Inc.

Sellify, LLC