

From: Sepanik, David

Sent: Tuesday, November 16, 2010 6:04 PM

To: support@he.net; abuse@he.net

Subject: [URGENT] Infringement of Apple Copyrights and Trademarks by
<http://www.apple-cf.com/> -- Immediate Action Requested

To Whom It May Concern:

We represent Apple Inc. ("Apple"). It has come to our attention that a website you host, <http://www.apple-cf.com/>, is engaged in copyright infringement among other actionable conduct.

This website contains Apple's copyrighted images and it has not been authorized to use those materials. Unauthorized use of Apple's copyrighted images constitutes copyright infringement.

This website also contains Apple's trademarks and trade dress, creates the false impression that it is affiliated with Apple, and misleads the public regarding Apple and its products. The website holds itself out to be Apple's website, uses the look and feel of Apple's website, links in some places to Apple's website, and represents that it is advertising a new Apple product. The website solicits consumers to travel to one of Apple's Manhattan retail stores -- using that store's actual address -- to obtain the "new" product as a "free upgrade": "If you own an iPhone 4, you can get it upgraded for free in our store on 767 Fifth Avenue, New York." In reality, there is no such new product or upgrade. The website also provides a phone number that, when called, leads to a message falsely claiming to be affiliated with Apple. The cumulative effect of these false statements is to cause confusion and to mislead the public.

These activities constitute trademark and trade dress infringement, passing off, and unfair competition, among other actionable conduct.

Apple therefore demands that you take steps to immediately shut down the website <http://www.apple-cf.com/>.

Please notify me by reply e-mail once the website has been removed, and feel free to contact me if you have any questions.

Thank you in advance for your cooperation.

/s/David Sepanik