



March 14, 2012

VIA E-MAIL (staff@citmedialaw.org) & U.S. MAIL

Mr. Jeff Hermes, Director
Citizen Media Law Project
Berkman Center for Internet & Society
Harvard Law School
23 Everett Street, Second Floor
Cambridge, MA 02138

**Re: Unauthorized Use of Kessler International's Intellectual Property:
"FRAUDBUSTERS"**

Dear Mr. Hermes:

Michael G. Kessler & Associates, Ltd. [Kessler] is an international leader in the Forensic Accounting and Investigative Consulting field. For over two decades, Kessler has been using the trademark "FRAUDBUSTERS" in connection with Kessler's business, products and services. Kessler has received a U.S. service mark registration for its "FRAUDBUSTERS" mark that is incontestable.

It has come to the attention of Kessler's Brand Protection Department that the mark "fraudbuster" is being used on the Citizen Media Law Project website, <https://www.citmedialaw.org/user/24187>, in reference to a member username. It should be noted that "FRAUDBUSTERS" is the registered trademark of Michael G. Kessler and Associates, Ltd. The trademark infringement details are marked on the enclosed printouts.

By using Kessler International-owned intellectual property, you are attempting to trade off of the good will that Kessler International has built up in these trademarks. As such, your actions constitute trademark infringement and dilution in violation of federal trademark law (15 U.S.C. §§ 1114, 1117, and 1125) and unfair competition law. In addition, Kessler International as trademark holder can institute a civil action for trademark

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Kessler International is a registered trademark of Michael G. Kessler & Associates, Ltd.

infringement, trademark dilution and unfair competition seeking permanent injunctive relief, treble damages, counsel fees and costs (15 U.S.C. §§ 1116, and 1117).

Thus, we demand that you:

1. Agree not to use “fraudbuster” or any derivative of Kessler’s mark in any manner, now or in the future;
2. Immediately remove all mention of “fraudbuster” from your website, promotional materials, and advertisements on all third-party sites;
3. Agree to pay Kessler International those profits attributable to your unauthorized use of Kessler International’s intellectual property;
4. Deliver to us *within 5 days* all unused and undistributed copies of brochures or advertising material containing Kessler’s trademarks;
5. Inform us in writing *within 5 days* that you have complied with the above and that you consent that you will *cease and desist* from further violations.

We trust you will appreciate that this is a serious matter and understand that we will take whatever action is necessary to terminate this extreme violation of our rights and to rectify the damages it has caused and undoubtedly will cause if it continues. Please note that nothing in this notice should be construed as a waiver of any rights, remedies, or protections under law. If we do not receive an affirmative response indicating that you have fully complied with these requirements, we will be forced to take the full legal remedies available to rectify this situation.

Sincerely,



Kelly Mattmuller
Assistant Vice President

KAM/mg
Enclosures

ACKNOWLEDGMENT OF KESSLER INTERNATIONAL'S RIGHTS AND AGREEMENT TO CEASE INFRINGEMENT

I, _____, agree to fully discontinue infringing use of Kessler International's "FRAUDBUSTERS" trademark, and agree not to make such infringing use in the future. I also hereby agree to comply immediately with the demands set forth above. I further agree this Agreement shall be binding upon my respective controlled subsidiaries, affiliates, successors, and assigns.

NAME

TITLE

COMPANY

ADDRESS

DATE: _____



LEGAL RESOURCES FOR CITIZEN MEDIA

SEARCH



fraudbuster

View Track

Personal Information

Location

North Carolina

Background

First person to expose fraud in the viatical and life settlements industry through 4 books published and web site. Assisted civil attorneys who represented victims, and provided information to state and federal regulators. Rewarded with numerous SLAPP lawsuits (some of these perps are now in prison, others indicted, others under investigation--but too late to help me). Subjected to threats and harassment but will not stop because regulators do not do enough, nor act quickly enough.

History

Member for

14 weeks 4 days

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