

**PUBLIC CITIZEN LITIGATION GROUP**

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—  
(202) 588-1000

June 11, 2014

Jim Lamb, Esquire  
Sandler Reiff Lamb Rosenstein & Birkenstock, P.C.  
Suite 300  
1025 Vermont Avenue, NW  
Washington, D.C. 20005

Dear Mr. Lamb:

As you know, I represent Dan McCall, the proprietor of LibertyManiacs.com, in opposition to Ready for Hillary's effort to suppress the sale through Zazzle and CafePress of his parody materials that replace the name "Hillary" with the word "oligarchy," thus expressing his opinion both about her potential candidacy and about the larger context of the next presidential election. When I wrote you on Monday, I was not certain whether your client had asserted trademark rights or copyright in demanding removal of my client's protected expression.

CafePress has now shared your letter with me, and I see that it deliberately invoked the DMCA's takedown provisions, in that you asserted that parody materials that invoked "Ready for Hillary" in your client's characteristic style, in conjunction with obvious criticism of Hillary Clinton infringes Ready for Hillary's copyright in the "logo and slogan," and recited the statutory elements of a DMCA notice. Later in the letter, however, you muddy the claim somewhat by referring to Ready for Hillary's "copyright or other right that is allegedly infringed."

Although the parody specifically cited in the letter was offered for sale by a different parodist, we can understand how CafePress would have assumed that your threat of litigation could have extended to McCall's materials, and how a court might later decide that the letter placed it on notice of your potential claims against McCall as well. McCall concedes that he does not have your client's permission to use its logo in his materials; we contend that a parodist does not **need** permission.

I have searched the Copyright Registry and not found any copyright registration for either the logo or the slogan. Has your client, in fact, registered the copyright that it claims has been infringed? If so, I'd be grateful if you would provide me with the certificate of registration, although we believe that the infringement argument is meritless whether based on trademark or on copyright.

CafePress has now begun the process of restoring McCall's images to its online store, acceding to the argument in my June 9 letter to you that McCall's use is a fair one. Nevertheless,

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Zazzle has not done so, and in any event McCall is hesitant to allow your claim of infringement to linger in light of your client's potential claims for statutory and actual damages. Moreover, you have not returned my telephone calls or emails, inquiring about your client's position. Consequently, unless your claim of infringement is withdrawn, we will be ready to seek a declaratory judgment of noninfringement. My June 9 letter gave you a deadline of three days to withdraw your claim. That deadline expires tomorrow.

I do hope that litigation will not be necessary.

Sincerely yours,

  
Paul Alan Levy