

Begin forwarded message:

From: Marian Cochran <XXX@cafepress.com>

Date: June 11, 2014 at 8:35:26 AM CDT

To: "dan@libertymaniacs.com" <dan@libertymaniacs.com>

Cc: XXXXX

Subject: FW: Pending Images in Media Basket - Ready for Hillary

Dear Dan,

Upon further review of the attached June 1, 2014 cease and desist notification sent to us on behalf of Ready for Hillary, we have decided to reinstate the designs at issue. Per the notice below, we had temporarily suspended these designs pending further review.

Our decision to reinstate is based upon our concerns with the First Amendment implications raised by Ready for Hillary's notification. As you are aware, at the core of the First Amendment is the freedom to engage in political speech and the principle that debate on public issues should be uninhibited. *McFadden v. City of Bridgeport*, 422 F. Supp.2d 659, 670-671. Indeed, commentary, criticism, and parody about politics, the political process and political figures are given the highest level of First Amendment protection. Further, speech conveyed through the use of messages on T-shirts and related items such as the bumper sticker about which Ready for Hillary has complained has long been held to be protected speech under the First Amendment. *Ayres v. City of Chicago*, 125 F.3d 1010, 1015. ). Such items have been held to be permissible avenues for speech, regardless of whether or not they are sold at a profit. See, e.g., *Black Dog Tavern Co. v. Hall*, 823 F. Supp. 48, 57-58 (D. Mass. 1993) ("the fact that defendant's parody t-shirts are sold for profit does not alter the conclusion [of a diminished risk of confusion.]"); *Smith v. Wal-Mart Stores, Inc.* 537 F.Supp.2d 1302 (N.D.GA 2008).

We appreciate your patronage of CafePress, and have provided a response to Ready for Hillary advising them that applicable law falls firmly in favor of the protection of your speech in this instance, and that we have reinstated the designs at issue accordingly.

As always, we must include the following formalities. CafePress disputes all claims and allegations of infringement, and nothing contained in this email is intended, nor shall be construed as an admission of any wrongdoing or liability on behalf of CafePress or the users of the CafePress service. This email is not intended, nor shall it be construed as a full statement of all the facts and circumstances relating to this matter. Nothing contained in this email, nor any act or omission to act by CafePress is intended or should be deemed to be a waiver, abridgement, alteration, modification or reduction of any rights, claims, defenses or remedies that CafePress may have in regard to this matter and all such rights, claims defenses and remedies, whether at law or in equity, are hereby expressly reserved.

Sincerely,

Marian Harding Cochran  
Senior Corporate Counsel  
502.995-2250 office

XXXXXX@cafepress.com

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----- Forwarded Message -----

From: CafePress Content Usage Policy <cup@cafepress.com>  
To: dan@libertymaniacs.com  
Sent: Thursday, June 5, 2014 2:51 PM  
Subject: Pending Images in Media Basket

Dear Content Owner,

You can view all the images which have been pended by clicking on the following URL (or copying and pasting this URL into your browser):  
[http://www.cafepress.com/cp/members/login.aspx?goto=/cp/members/imagebasket/image\\_basket.aspx?f=pending](http://www.cafepress.com/cp/members/login.aspx?goto=/cp/members/imagebasket/image_basket.aspx?f=pending)

Images Pended: 90299875

Thank you for using CafePress!

We recently learned that your CafePress account contains material which may not be in compliance with our policies. Specifically, designing, manufacturing, marketing and/or selling products that may infringe the rights of a third party, including, copyrights (e.g., an image of a television cartoon character), trademarks (e.g., the logo of a company), "rights in gross" (e.g., the exclusive right of the U.S. Olympic Committee to use the "Olympic Rings"), and rights of privacy and publicity (e.g., a photo of a celebrity) are prohibited. Accordingly, we have set the content that we believe to be questionable to "pending status" which disables said content from being displayed in your shop or purchased. You may review the content set to pending status by logging into your CafePress account and clicking on the "Media Basket" link. The content set to pending status will be highlighted red.

Please note that any current orders associated with pended content are subject to cancellation. Please contact our Customer Support Team at 1-877-809-1659 for more information regarding the status of any orders within the next 24-48 hours.

Please visit our Content Usage Policy (CUP) for additional information regarding the type of content you may use with the CafePress service.

We apologize for any inconvenience that the removal of your content may have caused you. Please let us know if we can be of further assistance.

Sincerely,

Content Usage Team  
CafePress  
CUP@cafepress.com

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