

Subject: FW: Cybertriallawyer-Sucks.com
From: "John W. Dozier, Jr." <John@cybertriallawyer.com>
Date: Thu, September 18, 2008 3:46 pm
To: brandon@psek.com

As we said:

1) We will escalate this matter to your upstream provider and you will be putting at risk all of your "clients";

2) You are on notice of the conduct involved, and you will have to deal with the consequences. We have given you every opportunity to do the right thing. Yet you continue to willingly aid and abet, and support, what many are characterizing as an unlawful enterprise. I guess if you feel lucky, and ready to roll the dice, we'll see how lucky you are.

Also, we are not debating the law with you. We were generous enough to give you every opportunity to respond and do the right thing. We felt obliged to do so. We have now done so. And we have made our position clear. You are aware of the factual allegations. Govern yourself accordingly. If you elect to ignore our request to speak with your lawyer, we will assume you have no intention of complying with our request.

John W. Dozier, Jr., Esq.
Dozier Internet Law, P.C.
11520 Nuckols Road
Suite 101
Glen Allen, VA 23059
Phone: (804) 346-9770, Ext. 304
Fax: (804) 346-0800

Please visit us at www.cybertriallawyer.com

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-----Original Message-----

From: Victoria Lawson
Sent: Thursday, September 18, 2008 1:53 PM
To: John W. Dozier, Jr.
Subject: FW: Cybertriallawyer-Sucks.com

John:

Please see the following email from Brandon Mizrahie of pSek replying to the letter sent to him regarding cybertriallawyer-sucks.com.

Victoria Lawson
Director of Marketing
Dozier Internet Law, P.C.
11520 Nuckols Road
Suite 101
Glen Allen, VA 23059
Phone: (804) 346.9770, Ext. 327
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-----Original Message-----

From: brandon@psek.com [mailto:brandon@psek.com]
Sent: Thursday, September 18, 2008 1:38 PM
To: Victoria Lawson
Subject: Re: Cybertriallawyer-Sucks.com

Dear Mr. Dozier,

We have received your letter advising of a lawsuit that you have filed making trademark claims against Ronald Riley, and noting that unspecified "third parties" have advanced other claims against Riley, although you profess uncertainty about the validity of those other claims.

Because your own claims are already in court, it makes the most sense to let the judge decide those claims. If Mr. Riley is enjoined from maintaining a web site, or is ordered to change the web site, he will

presumably comply with the order, or else he will appeal. Assuming you have valid claims, there is no need to involve pSek.

Because, at the end of your letter, you refer to your letter as putting us "on notice," and state, "have your lawyers contact me immediately," I am wondering whether you are threatening to file suit against pSek on the ground that it is liable for Mr. Riley's alleged trademark infringement (which, I confess, I am having trouble understanding). I am advised that the federal courts in this area hold that claims of intellectual property violations under state law cannot be brought against an Internet Service Provider based on what their customers put on web sites. Perfect 10, Inc. v. CC Bill, LLC, 488 F.3d 1102 (9th Cir. 2007).

Before we go to the expense of bringing our own lawyers into this case, we'd like to know whether you are making federal trademark claims or only state trademark claims.

Thanks,
Brandon Mizrahie
<http://pSek.com>

- > Please find below a copy of an email sent to abuse@psek.com
- > abuse@psek.com on September 10th, 2008 with a letter from
- > John W. Dozier, Jr., Esq. attached. In addition to this email, we have

- > also attempted to contact you by phone multiple times at 800-737-1280
- > and have left 2 voicemails. Mr. Dozier has yet to receive any
- > response. Mr.
- > Dozier wants to convey the message that this is your last chance to
- > address this issue before we contact your upstream provider, as well
- > as some of your relationships, such as edublogs.com.
- >
- > Please contact Mr. Dozier at jwd@cybertriallawyer.com
- > jwd@cybertriallawyer.com or at (804) 346-9770, Ext. 304 to
- > further discuss this matter. Should you encounter any difficulty in
- > opening the attachment, please feel free to contact me directly,
- > either by email or by telephone at (804) 346-9770.
- >
- > Thank you,
- >
- > Victoria Lawson
- > Director of Marketing
- > Dozier Internet Law, P.C.
- > 11520 Nuckols Road
- > Suite 101
- > Glen Allen, VA 23059
- > Phone: (804) 346.9770, Ext. 327
- > Fax: (804) 346.0800
- >
- > Please visit us at www.cybertriallawyer.com

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>
> _____
>
> From: Victoria Lawson
> Sent: Wednesday, September 10, 2008 3:32 PM
> To: 'abuse@psek.com'
> Subject: Cybertriallawyer-Sucks.com
>
>
> To Whom it May Concern:
>
> Attached please find correspondence from Mr. John W. Dozier, Jr., Esq.
> If you have any comments or questions relating to the attached, please

> contact Mr. Dozier at jwd@cybertriallawyer.com
> <<mailto:jwd@cybertriallawyer.com>> or at (804) 346-9770, Ext. 304.
> Should you encounter any difficulty in opening the attachment, please
> feel free to contact me directly, either by email or by telephone at
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> Thank you,
>
> Victoria Lawson
> Director of Marketing
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> Suite 101
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