

29 March 2013

VIA E-MAIL

Mr. Dan Bortolotti
Aurora, Ontario

Re: Infringement of Trademark Rights of Canadian Couch Potato Distributors Ltd.

Dear Mr. Bortolotti:

This law firm represents Canadian Couch Potato Distributors Ltd. in connection with its intellectual property rights. Your use of the name Canadian Couch Potato is a violation of our client's common law trademark rights, common law service mark rights, and trade name rights, and this letter constitutes our demand that you cease and desist any and all use of this domain name. You should immediately forward this letter to your attorney.

Canadian Couch Potato Distributors Ltd. is a family owned business in Bluth County, Ontario, that offers couches, easy chairs, and other products that promote a sedentary lifestyle. Canadian Couch Potato Distributors Ltd. was registered as an Ontario corporation in April 2009 and has continually used "Canadian Couch Potato" (the "Mark") throughout the province as its brand name since that time. Since its incorporation, Canadian Couch Potato Distributors Ltd. has continually used the Mark in advertising campaigns promoting sloth and indolence.

In addition, Canadian Couch Potato Distributors Ltd. has been actively involved in the community in its efforts to further promote its brand including its sponsorship of various events, including Idle Much More and Inaction in Action. As a result of these efforts, customers and the general public have come to recognize Canadian Couch Potato Distributors Ltd. as a successful business with a brand that advocates lethargy and sluggishness in all forms.

Recently, our client became aware of your use of the canadiancouchpotato.com domain name. Your registration date for this domain was December 28, 2009. Under Ontario law, common law trademark infringement occurs when a party utilizes a trade or service mark that creates a likelihood of consumer confusion. Our client has identified the following examples of such confusion:

1. On 21 February, a customer entered the retail facility and requested a low-cost, broadly diversified portfolio.
2. On 12 March, one of the sales staff received a call from a customer seeking information on Norbert's gambit, which the employee mistook to be a type of German foot rest.
3. On 26 March, our client's warehouse was vandalized by hooligans who spray-painted the walls with slogans promoting active investment management.

Canadian Couch Potato Distributors Ltd. has several options under Ontario law to enforce its legal rights in the Mark. If Canadian Couch Potato Distributors Ltd. were to file a lawsuit against you, it would be entitled to seek: (1) preliminary and permanent injunctions; (2) actual monetary damages; (3) disgorging of any profits you have realized through your use of the Mark; (4) reimbursement of attorney's fees required to prosecute a lawsuit against you; and (5) monetary damages for damage to Canadian Couch Potato Distributors Ltd.'s goodwill in the market.

Please be advised that Canadian Couch Potato Distributors Ltd. will undertake all appropriate steps to protect its Marks and its associated goodwill. You can avoid legal action by immediately ceasing and desisting from any and all infringing activity including use of the canadiancouchpotato.com domain. You must cease and desist all promotion and/or marketing of passive investment strategies on this domain name.

You are hereby put on notice that Canadian Couch Potato Distributors Ltd. and our firm will be monitoring your use of these domain names for this purpose. Additionally, you must execute a copy of this letter and send it to this firm within seven (7) days of the receipt of this letter. I recommend you consult with an attorney before taking any action.

Sincerely,

Barry Zuckercorn and Bob Loblaw
Partners

cc: Canadian Couch Potato Distributors Ltd.