

TransPotomac Plaza  
1199 North Fairfax Street  
Suite 900  
Alexandria, VA 22314-1437  
[703] 739-4900  
[703] 739-9577 Fax  
www.stites.com

January 14, 2010

**VIA E-MAIL [GREENTRUST@GMAIL.COM](mailto:GREENTRUST@GMAIL.COM); [BICEP@LYCOS.COM](mailto:BICEP@LYCOS.COM);**  
**[SSPENCE@GREEN-TRUST.ORG](mailto:SSPENCE@GREEN-TRUST.ORG)**

William E. Jackson  
(703) 837-3904  
(703) 518-2934 FAX  
wjackson@stites.com

**VIA FIRST-CLASS U.S. MAIL, POSTAGE PREPAID**


Mr. Steve Spence  
93 Sheldon Rd.  
Winthrop, NY 13697

Mr. James White  
12 Belmar Dr. East  
Staten Island, NY 10314/

**RE: EARTHBOX® Infringement**

Dear Messrs. Spence and White:

This firm represents Laminations, Inc. in connection with its intellectual property matters. Our client offers its patented gardening system under its trademark EARTH BOX®, which is the subject of United States Trademark Registration Number 1,906,561, and United States

Trademark Registration Number 3,364,396 for the design mark . Our client has used the trademark EARTH BOX® for more than twelve years, specifically since at least as early as November 30, 1994. Laminations, Inc. operates a web site in connection with its business, located at <http://www.EARTHBOX.com/>.

It has come to our attention that your website [www.green-trust.org](http://www.green-trust.org) provides instructions for how to make gardening systems identified as “EarthBox™.” Please note that EARTH BOX® is a registered trademark and not a generic product. Our client offers its patented gardening system under its registered trademark EARTH BOX®. The use of our client’s trademark EARTH BOX® by your website is unauthorized and in violation of our client’s trademark rights. The site’s content is similar to the goods offered by our client under its trademark EARTH BOX®, rendering consumer confusion highly likely. In fact, your site also includes a link to our client’s website as an alternative product.

Use of a mark confusingly similar to that of our client constitutes, among other things, violations of the Trademark Act of 1946, 15 USC §§ 1051 *et seq.*, as amended (the “Lanham Act”), and common law. Such use renders you liable for statutory and common law trademark infringement and subject to all remedies provided in the Lanham Act as well as those provided

Green-Trust.Org  
January 14, 2010  
Page 2

by state law, including but certainly not in any way limited to, preliminary and permanent injunctive relief, and compensatory damages equal to all profits earned from commercial exploitation associated with the marks. In addition, our client may also be entitled to recover trebled compensatory damages if your selection and use of our client's mark was intentional, and you may also be required to pay our client's attorneys' fees and costs associated with any litigation, especially considering your apparent knowledge of our client's mark.

Moreover, our client's gardening system is the subject of U.S. Patents (e.g. 5,193,306 and 5,524,387) and pending patent applications. To the extent you create gardening systems which infringe our client's patents or provide instructions to others to do the same, such activity may render you liable for direct and/or contributory patent infringement and subject to all remedies provided in the Patent Act. Our client also has copyright protection in connection with the materials relating to its gardening system, including the materials accessible via its website. Infringement of these copyright interests by reproduction, publication, distribution, etc. of such materials renders you liable for copyright infringement and subject to all remedies provided in the Copyright Act.

Please understand that Laminations, Inc. invests significant resources to develop the intellectual property associated with its gardening system, including creating its patented system and associated copyrighted materials, and promoting the reputation of the EARTH BOX<sup>®</sup> trademark and the goodwill therein.

Based on the foregoing, and in order to foster fair competition and preserve its intellectual property rights, our client demands that you **IMMEDIATELY**:

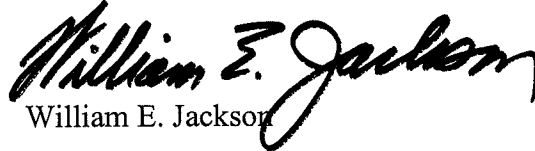
1. Cease and desist upon receipt of this letter from all use of: (i) the mark EARTH BOX<sup>®</sup>, or any other confusingly similar mark, in connection with gardening products and services; and (ii) any items, articles, or materials which directly or indirectly infringe the listed U.S. Patents, or any copyrights in related materials;
2. Destroy all materials and merchandise created that contain the term EARTH BOX<sup>®</sup> or otherwise comprise infringing items (including but not limited to products, television, radio, print media, outdoor, internet, electronic, vehicle and other advertising materials; business cards; letterhead; stationery; envelopes; invoices; labels; decals; screen savers; and the like), and remove or disable access to any such products, advertisements, or references on any internet web sites.

Green-Trust.Org  
January 14, 2010  
Page 3

Please provide us with written confirmation once you have complied with the foregoing demands. We appreciate your prompt attention to this matter and anticipate hearing from you by **no later than close of business on February 1, 2010**. Please feel free to contact me if you have any questions, or if you have information that would cause us to view this matter differently. We look forward to a prompt resolution of these matters and thank you for your time and consideration.

Very truly yours,

STITES & HARBISON, PLLC

  
William E. Jackson

WEJ:cr