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Alisa C. Simmons
[REDACTED]
[REDACTED]

May 1, 2019

Via Email ([REDACTED])
Confirmation by U.S. Mail and Courier

Dr. Nicole Prause
Liberos LLC
[REDACTED]
[REDACTED]

Re: Unauthorized Use of YOUR BRAIN ON PORN
Our Ref. No. 8956-145727

Dear Dr. Prause:

We represent Mr. Gary Wilson (doing business as Your Brain On Porn) in connection with his intellectual property rights. As you know, our client owns and uses the trademarks YOUR BRAIN ON PORN; the YOUR BRAIN ON PORN Logo, ; and YBOP in connection with providing educational services and providing information about pornography and its effects on viewers and has done so since 2010. Your Brain On Porn owns and uses the web address www.YourBrainOnPorn.com and uses it to provide the Your Brain On Porn brand services.

Your Brain On Porn has widely used these trademarks to identify the source of its educational materials, information, and resources relating to risks associated with pornography use, including addiction. Your Brain On Porn also features the YOUR BRAIN ON PORN trademark and logo on the series of publications and educational materials authored by Mr. Wilson providing information about pornography and its effects on viewers. Your Brain On Porn has invested significant resources in building and promoting its trademarks as reliable source identifiers for its services.

It has recently come to our attention that you, along with other colleagues, have adopted and started using the brand name Real Your Brain On Porn and the web address RealYourBrainOnPorn.com to provide information and resources about pornography and its effects on viewers. Your group uses the web address RealYourBrainOnPorn.com to redirect Internet users to the "Science of Arousal" website identifying you and your colleagues as experts, where you provide information and resources about pornography. A banner at the top of the pages of the website at the RealYourBrainOnPorn.com web

address features the wording “Welcome to The Real Your Brain On Porn” (copy attached). This website



features the stylized logo, , for your services. Your group also features Real Your Brain On Porn on social media (Twitter, Facebook, YouTube, Tumblr) to promote its services and website. The April 18, 2019, press release announcing and promoting the RealYourBrainOnPorn.com website (copy attached) advertises and identifies the listed experts as “Scientists and therapists specially trained in sexuality have merged their knowledge to support media, students, and consumers previously misled by inaccurate health information about pornography.” While you and your colleagues have the right to offer competing views on pornography and the effects of viewing pornography, you do not have the right to use our client’s trademark to do so.

Copying our client’s YOUR BRAIN ON PORN trademark as part of the alleged Real Your Brain On Porn brand name and logo and in the web address RealYourBrainOnPorn.com for your services and website unfairly and inaccurately suggests to consumers that you and your website are the authentic resource for the Your Brain On Porn brand goods and services, when in fact that is not the case. Holding your group of experts and website out as “Real Your Brain On Porn” will cause consumers and the public to mistake you and your services, website and resources as those of Your Brain On Porn. Under the present circumstances, we believe that consumer confusion is likely. Under U.S. trademark law, trademark infringement claims may be based on these underlying facts. Liability for infringement can include treble damages and attorney’s fees.

To protect Your Brain On Porn’s rights and to prevent consumer confusion, we request your immediate cooperation and demand that you immediately stop promoting your group as the “Real Your Brain On Porn” and stop use of “Real Your Brain On Porn” in all forms of advertising and media. To assure our client of your cooperation, we need you to undertake these actions and confirm in writing that you have done so:

- (1) Stop using YOUR BRAIN ON PORN wording as part of the brand name for your business and services and stop offering, promoting, and providing any services in connection with marks, names, or logos that include the wording YOUR BRAIN ON PORN or REAL YOUR BRAIN ON PORN or any confusingly similar wording and confirm in writing that you have done so;
- (2) Stop using the web address RealYourBrainOnPorn.com (and any similar web addresses) to offer services relating to pornography and its effects or relating to the fields of psychology, sociology, pathology, sexology, neuroscience and addiction and transition to a new web address that does not include the wording YOUR BRAIN ON PORN or any confusingly similar wording;
- (3) Remove from your advertising and promotional materials, including but not limited to websites and social media sites (including social media user names) any marks, logos, or slogans featuring YOUR BRAIN ON PORN, REAL YOUR BRAIN ON PORN, “The Real Your Brain On Porn,” YBOP, RYBOP, Brain On Porn, and any other confusingly similar marks and confirm in writing that you have done so;
- (4) (4) Remove from social media sites, including, but not limited to, Twitter (<https://twitter.com/BrainOnPorn>), Reddit (<https://www.reddit.com/user/sciencearousal>),

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Facebook (<https://www.facebook.com/realyourbrainonporn/>), Tumblr, and YouTube (<https://www.youtube.com/channel/UCncvrqWoXG1TyGkQ02O2OMg>), any existing tweets, communications, comments or videos promoting Real Your Brain On Porn and the website RealYourBrainOnPorn.com;

- (5) Withdraw and expressly abandon with the U.S. Patent and Trademark Office U.S. Application Serial No. 88281342 for YourBrainOnPorn YourBrainOnPorn.com yourbrainonporn yourbrainonporn.com Your Brain On Porn and confirm in writing that you have done so;
- (6) Refrain going forward from using YOUR BRAIN ON PORN or REAL YOUR BRAIN ON PORN and any confusingly similar wording as source identifiers for your products and services;
- (7) Refrain from search engine optimization on the wording YOUR BRAIN ON PORN and REAL YOUR BRAIN ON PORN; and
- (8) Refrain from disparagement and defamation of YOUR BRAIN ON PORN and its principal and associates.

We look forward to receiving your cooperation and your providing your assurances in writing to the undersigned by no later than May 10, 2019. Failure to cooperate and any continued use of trademarks confusingly similar to Your Brain On Porn's trademarks in connection with promoting and providing the your services will cause greater harm to our client and will be considered as an intentional, willful infringement of Your Brain On Porn's trademark rights. Willful trademark infringement can result in heightened damages awards and awards of attorney fees in trademark infringement litigation. This letter is not intended as a complete statement of the facts or of Your Brain On Porn's rights, remedies, and causes of action, all of which are expressly reserved.

We look forward to hearing from you or your representative and receiving your cooperation and written assurances.

Sincerely,

Fitch Even Tabin & Flannery LLP



Alisa C. Simmons

Enclosures