

May 3, 2013

VIA CERTIFIED MAIL AND ELECTRONIC MAIL

Jim Hallows
Highly Sensitive People
11260 Regent Street
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Re: Infringement of Rights of Publicity, Copyright Infringement, Trademark Infringement and Trade Secret Infringement
Our Clients: The Want Institute and Dr. Patricia Allen
Our Reference No.: WANT.025CIS

Dear Mr. Hallows:

As you are well aware from your prior relationship with the 'Want' Institute for Marriage, Family and Child Counseling ("the Want Institute"), we represent the Want Institute and Dr. Patricia Allen in connection with their intellectual property matters.

As you are also aware, Dr. Allen is a widely respected therapist and founder of the Want Institute, a renowned non-profit organization that offers information and services in the fields of personal and professional relationships, personal growth, and psychology. The Want Institute was founded in 1976 and since that time has provided various goods and services in connection with various names and marks, including, but not limited to WANT[®], DR. PAT ALLEN and PAT ALLEN.

The Want Institute has invested a considerable amount of hard work, time, money and resources in developing, promoting and marketing its products and services. Due to such efforts, the Want Institute names and marks have become an important component of its intellectual property. Indeed, the Want Institute marks have come to represent its high quality goods and services, a value of high importance to the Want Institute.

Further, through the Want Institute's efforts, it has developed a significant amount of goodwill and established a national reputation for its products and services and the names and marks used in connection with such products and services. Moreover, Dr. Allen has authored several successful books and offers regular seminars, lectures and training on the topics of relationships and self-improvement, among other things. The Want Institute owns copyrights in these works and other works it has authored or caused to be authored.

These efforts have generated strong rights under trademark, copyright, trade secret and unfair competition laws. Among other things, these rights allow the Want Institute to preclude unauthorized persons or entities from using its names and marks, or any confusingly similar marks. These rights also prohibit unauthorized reproduction, adaptation and/or distribution of the Want Institute's copyrighted works, images and text and extend to any media, including, but not limited to, the Internet.

The Want Institute takes its intellectual property rights very seriously and is committed to protecting such rights and the goodwill associated with those rights. Moreover, the Want Institute owes an important duty to its clients, who

have come to expect high quality in all goods and services provided by the Want Institute and/or advertised and promoted in connection with the Want Institute's intellectual property. In order to ensure the integrity of its intellectual property, the Want Institute must be alert to any unauthorized uses of its intellectual property and take appropriate action with respect to unauthorized uses of the Want Institute's intellectual property and/or with respect to those who use names or marks that are likely to cause confusion in the marketplace.

It has come to the Want Institute's attention that you are operating a website located at <<http://www.highlysensitivepeople.com>>. Further, you are also distributing the *Philosophical Library* newsletter. The website and newsletter are arranged in such a manner that makes them falsely appear to be sponsored by, connected with, affiliated with or authorized by the Want Institute and/or Dr. Allen. For instance, the newsletter includes videos of Dr. Allen, uses Dr. Allen's photographs, name and likeness for commercial benefit, and provides information and links to Dr. Allen's copyright protected works, such as *CONVERSATIONAL RAPE*. To illustrate, your current use of the *CONVERSATIONAL RAPE* book is so prominent and intertwined with the other goods and services that your company offers, that there is no clear distinction that the book is not affiliated with your company or your goods and services, which causes consumers to confusingly believe that there is some affiliation between Dr. Allen's book and your company.

Additionally, your advertising of Mimmi Mammo's distributions of the Dr. Pat Allen Relationship Seminar CDs constitutes federal copyright infringement. The contents contained in Dr. Allen's seminars are the proprietary intellectual property of Dr. Allen alone. Copyright law gives Dr. Allen and the Want Institute the exclusive right to reproduce the materials, to create derivative works of these materials, and to distribute these materials. As we are sure you are aware, Ms. Mammo is not authorized to reproduce or distribute these CDs and her actions constitute federal copyright infringement under 17 U.S.C. § 106(a). Your advertisement of Ms. Mammo's infringing CDs constitutes federal contributory and/or vicarious copyright infringement.

Further, by using Dr. Allen's name, photographs and videos throughout the website and newsletter you are infringing on Dr. Allen's rights of publicity and creating the false impression that she endorses or is affiliated with your business, your website and your newsletter. It is apparent that the only purpose of using Dr. Pat Allen's name and likeness is for your commercial gain, to promote your goods and services, and to cause people to believe that Dr. Allen endorses, sponsors, or approves of your business and the content on your website and newsletter. The small font disclaimer on your newsletter that you are "no longer director of the WANT® Institute" is insufficient when you pervasively refer to the Want Institute and Dr. Allen as if there is an ongoing affiliation, when there is not.

For instance, in referencing the GenConnect website through your newsletter, you state: "you can view our Jim Hallowes and Dr. Pat Allen video segments." Despite this statement, there are no joint video segments between yourself and Dr. Allen. Moreover, there is simply no reason for you to reference Dr. Allen's name and videos other than to give the false impression that there is an affiliation between you and Dr. Allen and trade off of Dr. Allen and the Want Institute's goodwill and reputation. As such, you must remove any reference to Dr. Allen's video or profile on GenConnect. Additionally, your profile on the GenConnect website, which you provide a link to, falsely states that you are the "Director of the Dr. Allen WANT® Institute." This is false and misleading and must be immediately corrected.

Additionally, you have an entire page on your website devoted to Dr. Allen's appearance on The Millionaire Matchmaker television show, where you are not only using Dr. Allen's name and likeness for your commercial gain and to confuse the public into thinking that there is a professional connection between you and Dr. Allen, but also providing blatantly false information about the Want Institute and Dr. Allen. Specifically, you mention:

The WANT Institute has subsequently been restructured recently, and Pat has brought in her daughter, Sue Wagner, to take over duties as Director, while Pat has decided to focus her energies on teaching and will unfortunately no longer be able to spend as much time making public appearances in person, or, unfortunately for Patti and all her fans, on television.

This information is entirely false and misleading and is intended to draw clients and fan support away from Dr. Allen and the Want Institute's authorized websites and toward your company, by shining a negative light on what you call the "reorganization" and outwardly lying about Dr. Allen's business strategy regarding her public appearances. This entire page must be immediately taken down as it constitutes shameful violations of rights of publicity, false advertising, unfair competition and violations of the business and professions code. Additionally, your website and newsletters create actionable "initial interest confusion" by diverting consumers looking for the legitimate Pat Allen and Want Institute websites to your website and your services, allowing you to improperly benefit from the goodwill developed by the Want Institute and Dr. Allen.

In addition to the foregoing, Dr. Allen mandates that you immediately remove from your website and newsletter any testimonials by Dr. Allen. As a part of her publicity rights, Dr. Allen has the sole right to approve or disapprove any testimonials, recommendations, and sponsorships. Dr. Allen does not give any right to you or your company, to use any testimonials from Dr. Allen, as they do not accurately represent Dr. Allen's present beliefs. Continuing to provide these testimonials creates the false impression that Dr. Allen sponsors or recommends your goods and services, which constitutes, among other things, false advertising, unfair competition, and an infringement of Dr. Allen's rights of publicity.

In addition, we note that your use of the Want Institute marks on your website and newsletter has caused and will continue to cause the public to falsely believe that you, your company, your website and/or your newsletter are sponsored by or endorsed by the Want Institute or that there is some affiliation or association between you and the Want Institute, when there is not. Any such confusion is likely to be harmful to the Want Institute. As indicated above, the Want Institute has federal registrations and/or common law rights in its trademarks, and has developed significant goodwill in the use of these names. Thus, your use of its names and marks is a direct and flagrant infringement of the Want Institute's trademark rights, and such use constitutes trademark infringement under federal and state laws.

Further, using the Want Institute's names and marks, as well as Pat Allen's name and likeness, on your website and newsletter is likely to cause consumers to believe that they are official publications provided by the Want Institute and/or Dr. Allen, when in fact they are not. Accordingly, consumers may believe that your newsletters comport with the quality standards associated with the Want Institute's product and services, and consumers are likely to be confused and deceived by this practice. Moreover, consumers and potential consumers may attribute problems with you, your company or its products or services to the Want Institute.

The only way that you may use The Want Institute name is (1) to attribute any trademarks to the Want Institute (such as ASR) and (2) to inform that you are a certified ASR educator. When attributing trademarks to the Want Institute you must use the following exact language: "[insert trademark] is a trademark of the WANT® Institute." As an example, currently you write: "ASR (Androgenous Semantic Realignment) is a registered trademark of the WANT Institute." This must be removed and replaced with the following language: "ASR (Androgenous Semantic Realignment) is a trademark of the WANT® Institute." Additionally, if referencing ASR or Androgenous Semantic Realignment, you must use the TM notice symbol and not the ® symbol. To inform the public that you are a certified ASR educator, you may only use the following language, including the following footnote which must be placed close by such that a web user could easily reference the footnote:

"Jim Hallowes is a Certified ASR Educator of the WANT® Institute."¹

¹ The WANT® Institute is not affiliated with this website/newsletter and does not sponsor or endorse the content of this website/newsletter or the services of Jim Hallowes."

When referencing the Want Institute in conformance with the above, you must use the language exactly as provided above, taking special care to identify it as the "WANT® Institute" and not the "Dr. Pat Allen WANT Institute." You are not authorized to use the Want Institute name in any other fashion than as mentioned above and under no circumstances are you authorized to use Dr. Allen's name.

All of the foregoing is worsened by the fact that you previously worked with Dr. Allen and the Want Institute, and during that time period had access to internal business strategies, business records, and customer lists. Despite your awareness that these are the proprietary property of the Want Institute, it has been learned that you are misappropriating that information for your commercial advantage, for example by using the Want Institute's client email lists in order to distribute your infringing newsletter. This is evidenced by the heading of your newsletter which states:

"You're receiving this email because you know of Jim Hallowes or you are what Dr. Pat Allen calls "Alphas" (people with an on-going tug-of-war between their head and heart) Or, someone you know thinks you may appreciate learning about the trait of high sensitivity."

As noted above, this client email list is the property of the Want Institute, and your use of that information constitutes a violation of federal and California trade secret laws. Having actual knowledge of another's rights puts a greater duty on you to avoid a likelihood of confusion. The fact that your company has proceeded to misappropriate the Want Institute's intellectual property can only be interpreted as an effort to take advantage of or to trade off the Want Institute's goodwill. There is simply no reason for your company's conduct other than to cause confusion among the public, and to trade off the reputation of the Want Institute and Dr. Allen.

In fact, it appears that you are acting in bad faith in an effort to disrupt the Want Institute's business and with the intent to divert and misdirect consumers and potential consumers searching for information about the Want Institute and improperly capture Internet traffic intended for the Want Institute's actual publications, seminars or websites. Your trademark infringement, copyright infringement, misappropriation of trade secrets and unfair competition in violation of the Want Institute's intellectual property rights carries heavy penalties including, but not limited to, monetary damages, punitive damages, treble damages, awarding of attorneys' fees and injunctive relief. Moreover, the willful and bad faith nature of such conduct may entitle the Want Institute to increased damages.

In view of the seriousness of this matter, we must insist that you:

1. Immediately cease all use of the Dr. Pat Allen's name and likeness (including, but not limited to, photographs, videos and biographies) in any manner on your website and newsletters, or in any other publications, products or services;
2. Immediately cease use of the Want Institute's names and marks on your websites and newsletters or in any other publications, products or services, except as expressly provided above;
3. Immediately cease all advertising of copyrighted material belonging to Dr. Allen and/or the Want Institute;
4. Immediately remove any reference to a testimonial by Dr. Allen;
5. Immediately remove any reference to Dr. Allen's videos on GenConnect and revise your GenConnect profile to remove reference to being the Director of the Want Institute;
6. Immediately remove the misleading and deceitful information regarding the Want Institute business structure and Dr. Allen's public appearance strategies;
7. Immediately cease all use of the client email list that was taken from the Want Institute;
8. Immediately cease all use of the newsletter in any way that creates a false association with Dr. Pat Allen or the Want Institute;

9. Ensure that automated web crawlers do not archive the existing newsletters; and
10. Provide written assurances of your compliance within **seven (7) days** from the date of this letter.

Due to the seriousness of this matter, we must demand that you provide us with written assurances that your company will comply with the requests set forth above within **7 days** from the date of this letter. While the Want Institute hopes to resolve this matter amicably, if we do not hear from you within that time period, we will assume that you do not intend to comply with these requests and that your company is not interested in an amicable resolution of this matter. The Want Institute will then consider its other options to protect and enforce its valuable intellectual property rights. In that regard, please keep in mind that your continued non-compliance may be regarded as further evidence of willful and intentional violation of the Want Institute's rights and may subject your company to enhanced monetary damages.

We look forward to receiving your written assurances that you will comply with the above requests within the time period specified above. Of course, the demands asserted in this letter are without prejudice to and with full reservation of all other rights or remedies the Want Institute and Dr. Allen may now have, or in the future may obtain, in this matter. Further, in identifying the specific causes of action above, please understand that we do not intend to restrict the possible causes of action arising as a result of your conduct.

If you have any questions regarding this matter, please let us know.

Sincerely,



Charlene A. Azema

cc: 'Want' Institute for Marriage Family and Child Counseling
Dr. Patricia Allen
Stacey R. Halpern