6-18-2008

Vol. VI, Tab 38 - Ex. 37 - Email from Michael Wu

Michael Wu
Rosetta Stone

Follow this and additional works at: http://digitalcommons.law.scu.edu/appendix
Part of the Computer Law Commons, Intellectual Property Commons, and the Internet Law Commons

Automated Citation

This Email is brought to you for free and open access by the Research Projects and Empirical Data at Santa Clara Law Digital Commons. It has been accepted for inclusion in Rosetta Stone v. Google (Joint Appendix) by an authorized administrator of Santa Clara Law Digital Commons. For more information, please contact sculawlibrarian@gmail.com.
From: Wu, Michael
Sent: Wednesday, June 18, 2008 11:51:41 AM
To: Crane, Mike
Subject: Keyword Advertising Coalition
Attachments: AABC Launch Plan 6.16.08.ppt; Search Engine Trademark Abuse Presentation Goodlatte.ppt

Mike,

Per our discussion, I have attached presentations the following PowerPoint presentations:

1) the Alliance Against Bait & Click (Marriott, Intercontinental, Hyatt, Starwood Hotels, 1-800 Contacts, American Airlines, Northwest Airlines, Cyveillance and Rosetta Stone) launch plan and
2) Rosetta Stone's position on the sale of trademarks as keyword advertisements.

As of today, the companies who have committed to this legislative coalition are: GEICO, Verizon, Intercontinental, Sporty's, J2 Communications and Rosetta Stone.

I appreciate your help with socializing this issue with your GC.

Thanks,

Michael

Michael C. Wu
General Counsel
Rosetta Stone
1101 Wilson Blvd, Suite 1130
Arlington, VA 22209
(Tel) 703-387-5814
(Fax) 540-432-0953

This e-mail and any attachments thereto are intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this email, and any attachments thereto, is strictly prohibited. If you receive this email in error please contact the sender by reply email and destroy all copies of the original message.

From: Crane, Mike [mailto:mcrane@ingdirect.com]
Sent: Wednesday, June 18, 2008 7:34 AM

CONFIDENTIAL
To: Wu, Michael  
Subject: RE: Coalition Proposal  

Michael:

I'll check again with our GC, but this is not an area we would typically get involved with; generally when it comes to government/public relations issues we stick to consumer advocacy issues and/or financial issues. But, it doesn't hurt to float the issue again. To that end, what specific level of support are you asking for? Do you have a coalition agreement (if so, it would be helpful to see it to see what we would be signing up for).

Thanks,

M

Michael E. Crane Jr., Esq.  
ING Bank, fsb  
302-255-3544 (phone)

---

From: Wu, Michael [mailto:mwu@rosettastone.com]  
Sent: Tuesday, June 17, 2008 6:54 PM  
To: Crane, Mike  
Subject: RE: Coalition Proposal  

Michael,

I would like to follow up on the proposed coalition to stop keyword advertisement trademark infringement. Verizon, GEICO, Sporty's, J2 Communications and Rosetta Stone have committed to the coalition. Ogilvy Government Relations is now following up with their existing clients including AT&T, Hilton, Intuit, Time Warner, etc. I will be pitching the coalition proposal to the hotel coalition (Marriott, Starwood, Hyatt and Intercontinental), which formed around the same issue, tomorrow morning. I have attached a recent Wall Street Journal article on this issue for your reference.

I would appreciate it if you would let me know whether ING Direct would be interested in joining our coalition.

Best regards,

Michael

Michael C. Wu  
General Counsel  
Rosetta Stone
From: Wu, Michael  
Sent: Monday, December 10, 2007 6:19 PM  
To: kbustamante@akblaw.com  
Subject: FW: Coalition Proposal

Kieran,

I hope all is well in Panama.

As you may be aware, Rosetta Stone is interested in forming a coalition and launching a national campaign against trademark infringement by Internet search engines and their customers through the sale of trademarks as "keyword advertisements." Specifically, Internet search engines are selling trademarked terms to the competitors of trademark owners resulting in competitor advertisements appearing as sponsored links above and on the right hand column next to natural search results that are generated when consumers search for the products and services of trademark owners. We believe that keyword advertising by search engines is costing brand owners hundreds of millions of dollars every year as a result of diverted sales, the increase in costs for trademark owners to purchase their own trademarks as keyword advertisements, the loss of hard-earned trust and goodwill, and the increasing enforcement expenses of protecting consumers from Internet-based fraud.

Rosetta Stone has been in discussions with Ogilvy Government Relations, a premier government affairs firm, on establishing a coalition to stop Internet search engine trademark infringement. In addition, Ogilvy has facilitated discussions with Congressional staff members on the keyword advertising issue. Based on these discussions we believe that there is an opportunity in 2008 to engage Congress and commence legislative activity on redressing this problem.

I have attached for your review (i) a proposal from Ogilvy to establish and manage a coalition, (ii) a brochure introducing Ogilvy, and (iii) an article providing an overview on the legality of keyword advertising using trademarks of competitors. I would appreciate it if you would let me know whether any of your clients are interested in this issue.
Best regards,

Michael C. Wu
General Counsel
Rosetta Stone
1101 Wilson Blvd, Suite 1130
Arlington, VA 22209
(Tel) 703-387-5814
(Arlington Fax) 703-516-2192
(Harrisonburg Fax) 540-432-0953

This e-mail and any attachments thereto are intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you receive this email in error please contact the sender by reply email and destroy all copies of the original message.

*******************************************************************************************************************************************************************************************************************************************************************************