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November 22, 2019

Red Mountain Media Group, LLC
Attention: Legal Department
701 North Golden Key Street
Gilbert, AZ 85233

Via Overnight Delivery and Email to SCrossen@digmypics.com

Re: Infringement of AMB Media LLC's Intellectual Property

To Whom It May Concern:

This law firm represents AMB Media LLC dba Legacybox ("AMB Media"), a leader in digitizing media with whom I understand you are familiar. The website located at <https://memorybox.digmypics.com> (the "MemoryBox Site"), owned or operated by or on behalf of Red Mountain Media Group, LLC ("Red Mountain"), has recently come to our client's attention as it seems that Red Mountain is attempting to divert online traffic from AMB Media's website to the MemoryBox Site where it makes deceptive or false statements about AMB Media's services and products to promote itself — and all the while, the MemoryBox Site and Red Mountain's services and products appear to have been substantially copied from AMB Media.

This letter addresses three primary issues but should not be construed as any waiver of additional issues or any type of admission that these might be the only three issues. Further investigation may reveal additional concerns for which AMB Media reserves all rights. This letter does not contain an exhaustive statement of all the relevant facts and law. AMB Media expressly reserves all of its legal and equitable rights and remedies.

A. Similarities Between AMB Media's website, www.legacybox.com, and the MemoryBox Site

A comparison of a portion of the MemoryBox Site with a portion of the AMB Media website is enclosed as Exhibit A to this letter. In the comparison, you will see very similar layout and arrangement and similar text, both in subject matter and word choice. While imitation may be considered the highest form of flattery, AMB Media treats protection of its intellectual property as a very serious matter. AMB Media owns the exclusive copyright rights, to and in the content displayed on its website which, as we are sure you understand, is of substantial commercial value to it. To constitute copyright infringement content need not be a "verbatim" copy, the substantial similarity of content combined with the accused infringer's access to the original material is sufficient.

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B. False and Deceptive Statements About AMB Media's Offerings

As to the content displayed on the "MemoryBox vs LegacyBox" comparison page, <https://memorybox.digmpics.com/MemoryBox-Legacy-Box-Comparison>, there are a number of false or misleading statements about AMB Media's offerings that have the capacity to deceive potential consumers. Specifically, AMB does offer color correction and optimizes lighting and film and is not limited to only 35 mm slide and negative formats.

As you may be aware, under Section 43(a) of the Lanham Act, competitors may be liable for false and misleading advertisement, and the Lanham Act provides for broad injunctive and monetary relief, including for attorneys' fees in certain cases. While puffery, blustering or boasting is permitted, you may not make false or misleading statements about your products or services or the products or services of others.

C. Use of AMB Media's LEGACYBOX Trademark in Red Mountain's Online Advertising

Finally, it appears that Red Mountain is using AMB Media's federally protected LEGACYBOX trademark in connection with its own online advertising, which has the potential to infringe AMB Media's rights in the mark, particularly given that Red Mountain seems to be copying numerous other components of AMB Media's business and also, looking to attract consumers searching for LEGACYBOX and, at the same time, make false statements about AMB Media to promote itself.

D. Proposed Resolution

AMB Media is hopeful that these items can be corrected in a prompt manner and do not reflect a willful or deliberate effort to rip off the content of a competitor's website and make false statements about a competitor's product.

AMB Media thanks you in advance for your prompt attention to this matter; however, in order to resolve this matter amicably, AMB Media requests that Red Mountain immediately and by no later than December 1, 2019:

- (1) remove the referenced content from its website;
- (2) remove other content from its website that was copied from or is substantially similar to that of AMB Media and cease any and all other uses of the content;
- (3) cease and desist from any and all false and misleading statements about AMB Media and its products or services;
- (4) destroy any materials in its possession or control containing content that was copied from or is substantially similar to that of AMB Media;
- (5) cease and desist from any and all uses of the LEGACYBOX mark that may result in consumer confusion, including ceasing and desisting from any and all uses of the term LEGACYBOX as an online advertising keyword; and

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- (6) remove the subdomain <https://memorybox.digmypics.com>.

To indicate your willingness to comply with these demands, I ask that Red Mountain sign a copy of this letter and return it to me by no later than close of business on December 2, 2019. Should Red Mountain not provide written confirmation or not comply, AMB Media is prepared to take all steps necessary to further enforce its valuable intellectual property rights without additional notice to Red Mountain, including seeking injunctive relief and monetary damages.

Best regards,



Laura P. Merritt

LPM:cwb
Enclosures

cc: AMB Media LLC (via email, with enclosure)

Red Mountain Media Group, LLC

By: _____

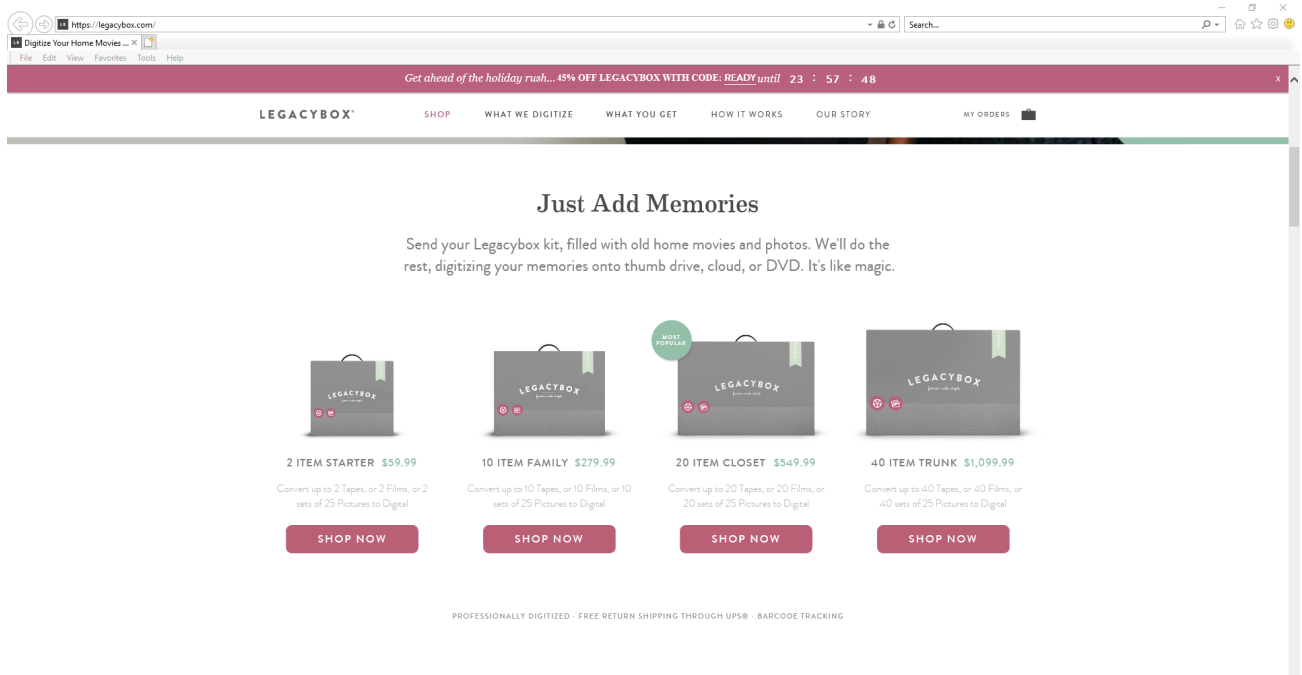
Its: _____

Date: _____

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Exhibit A - Website Comparison

AMB Media:



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MemoryBox:

The screenshot shows the MemoryBox website interface. At the top, there's a navigation bar with links like 'Shop', 'What We Digitize', 'How It Works', 'My Orders', and a 'Cart' icon. Below this is a green banner with the phone number '1-866-364-5052' and a promotional code 'Save 25% Use Code MemoryWednesday'. The main heading is 'The DigMyPics MemoryBox'. A subtext explains the service: 'Simply fill your MemoryBox with Prints, Slides, Negatives, Movie Film and Video Tapes and we'll take it from there. Not sure what you have? No worries just put it in the box, we scan all image types.' Below this, there's a section for 'Additional Items' and four product options:


SMALL	MEDIUM	LARGE	XTRA LARGE
\$59.99	\$279.99	\$549.99	\$1,099.99
Buy Now	Buy Now	Buy Now	Buy Now
Convert up to 2 tapes, or 2 film reels, or 2 sets of 25 still images to digital	Convert up to 10 tapes, or 10 film reels, or 10 sets of 25 still images to digital	Convert up to 20 tapes, or 20 film reels, or 20 sets of 25 still images to digital	Convert up to 40 tapes, or 40 film reels, or 40 sets of 25 still images to digital

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EXHIBIT B - MemoryBox vs LegacyBox





[Shop](#)
[What We Digitize](#)
[How It Works](#)
[My Orders](#)



Cart

MemoryBox vs LegacyBox



The difference is a clearer, cleaner and complete legacy

	MemoryBox	LegacyBox
Real-Time Scanning <small>see your photos as we scan them</small>	YES	N/A
Slide Formats	All	35mm
Negative Formats	All	35mm
Photo Color Correction	INCLUDED	N/A
Scratch and Dust Removal	INCLUDED	N/A
Movie Film Color Correction	INCLUDED	N/A
Movie Film with Sound	YES	N/A

[Start Digitizing](#)

MemoryBox Includes
Color Correction and Dust and Scratch Removal

[continued]

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Color Corrected

No Color Correction



Color Correction & Grain Reduction included free with MemoryBox

the digital memory box

Simply fill your MemoryBox with Prints, Slides, Negatives, Movie Film and Video Tapes and we'll take it from there.
Not sure what you have? No worries just put it in the box, we scan all image types.

Additional Items

SMALL



\$59.99

Buy Now

Convert up to 2
tapes, or 2 film
rolls, or 2 sets of 25
still images to
digital

MEDIUM



\$279.99

Buy Now

Convert up to 10
tapes, or 10 film
rolls, or 10 sets of 25
still images to
digital

LARGE



\$549.99

Buy Now

Convert up to 20
tapes, or 20 film
rolls, or 20 sets of
25 still images to
digital

XTRA LARGE



\$1099.99

Buy Now

Convert up to 40
tapes, or 40 film
rolls, or 40 sets of
25 still images to
digital

LEARN MORE

- Pricing
- MemoryBox vs LegacyBox
- How it Works
- What We Digitize
- Turn Times
- About Us

SUPPORT

- My Order
- Digitize/Box Downloader
- Contact Us
- Terms & Conditions
- Privacy Policy
- Visit digiapples.com

CONTACT US

70 North Sinden Key Street, Gilbert, AZ 85233
Phone: 1-855-384-5852
memorybox@digiapples.com



Save 40% W/ Code: choosememory







Start Digitizing

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EXHIBIT C - Online Advertising



 All  News  Shopping  Videos  Images  More Settings Tools

Page 2 of about 319,000 results (0.55 seconds)

Best Digitizing Service | Preserve Your Legacy | DigMyPics.com

 memorybox.digmypics.com/ ▼ (855) 771-4335

The easiest way to transfer your collection of old photos and home movies to digital. DigMyPics provides the highest quality in digital preservation with free color correction!