



TD Bank, N.A.
Legal Department
4880 Tahoe Blvd.
Mississauga, Ont.
L4W 5P3
Canada
905-293-5755

September 19, 2012

To Facets Inc.:

Re: Unauthorized Use and Registration of TDCANADATRUSTFRAUD.COM (the "Domain Name")

THE TORONTO-DOMINION BANK ("TD BANK") is the owner of United States Federal Trademark Registrations Nos. 1649009, and 3037995, and Canadian Trademark Registration TMA647831 ("TD"), and Canadian Trademark Registration TMA447666 and TMA409300 ("Canada Trust"), and numerous other trademark registrations in both Canada and the United States pertaining to TD BANK'S marks. TD BANK uses these marks in the United States and Canada in conjunction with banking and related financial services. TD BANK owns and operates the websites and the domain names TD.COM (Registered April 15, 1998) and TDCANADATRUST.COM (Registered December 18, 1999).

TD BANK recently discovered that you have registered and are using TDCANADATRUSTFRAUD.COM (the "Domain Name") in violation of the Anticybersquatting Consumer Protection Act of 1999 ("ACPA"), which is embodied in the Lanham Act. You can find the ACPA at http://www.law.cornell.edu/uscode/uscode_sec_15_00001125----000-.html. Furthermore, you are intentionally trading on the goodwill of TD BANK by using a domain name that is confusingly similar to the aforementioned marks.

It is clear that your use of the Domain Name is intended to (and actually does) confuse and misdirect customers seeking TD BANK'S website to your website. This activity is actionable under federal law and causes you to be liable to TD BANK in every state in which you have made sales or sold advertising. Your activities are unlawful and constitute unfair competition, intentional trademark infringement, trademark

dilution, false designation of origin and cybersquatting. Further to this point, your infringement activity interferes with the prospective business of TD BANK'S site and the sites of its legitimate business partners and agents.

It appears that you are engaging in a commercial venture using and taking advantage of TD BANK'S mark although you have not sought, nor has TD BANK granted or provided, express or implied consent to your use of the trademarked term, TD BANK. In fact, TD BANK has no agency, partnership, licensing, or other type of business agreement with you regarding such usage of TD BANK. This raises potential regulatory issues that could subject you to investigation and sanctions by financial departments and other regulatory agencies in the states where you do business.

The Lanham Act also provides numerous remedies for trademark infringement and dilution, including, but not limited to, preliminary and permanent injunctive relief, money damages, a defendant's profits, provisions for the destruction or confiscation of infringing products and promotional materials, and where intentional infringement is shown (as would be the case here), attorneys' fees and possible treble money damages. Additionally, the ACPA provides for damages of up to US\$100,000 for each infringing domain name.

TD BANK has several options to enforce its legal rights. It can submit the matter to the Internet Corporation for Assigned Names and Numbers ("ICANN") to be resolved under its Uniform Domain Name Dispute Resolution Policy (the "Policy") and seek a ruling that the Domain Name be transferred to TD BANK. The Policy can be found at <http://www.icann.org/udrp/udrp-policy-24oct99.htm>.

Second, TD BANK can file a lawsuit against you seeking: (i) preliminary and permanent injunctions, (ii) money damages, (iii) compensation equal to your profits, (iv) reimbursement for TD BANK'S attorney's fees (because of your blatant and intentional acts), and (v) a court order that you transfer the Domain Name to TD BANK and that you compensate TD BANK for damage to TD BANK'S goodwill.

This letter is sent without prejudice to TD BANK'S rights and claims, all of which are expressly reserved. TD BANK prefers to resolve this matter without taking legal action, but it is prepared to file a proceeding under the ICANN Policy or a lawsuit, if necessary, to protect its rights and business. You may avoid legal action by immediately cooperating with CSC Corporate Domains, the corporate domain name management representative of TD BANK, to transfer the Domain Name.

Reply to this email or contact CSC Corporate Domains at dnrecovery@cscglobal.com to make transfer arrangements. Please reference case #00001233. Your cooperation is expected before October 3, 2012.

Sincerely,

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