

Date: Fri, 2 Dec 2005 14:59:30 -0800 (PST)
From: "Karen Dudnikov" <tabberone@yahoo.com>
Subject: Re: E Bay Betty Boop Fabric - reply 2
To: RayPerman@aol.com

You still haven't answered my question. And your other email address is still an AOL account. What kind of reputable business in this day and age uses AOL as their business contact?

Where is the agreement with Shamash and Sons? And what does it say. You have implied that they admitted liability. And that you had an agreement with them. That should be simple to produce to make me go away. All I have right now is your assertion that this occurred.

What we have here is a failure to communicate. I'm asking a very simple question.

Considering the actions that you and your representative have taken against me, which are potentially damaging business wise, I feel I am entitled to a reasonable answer concerning my questions.

Failing a reasonable answer and reasonable proof, I will be forced to file a counternotice under the DMCA which allows for me to challenge your takedown under copyright law.

I have already contacted eBay and requested the counternotice form.

It will be easier for both sides to resolve this before getting into legal paperwork.

Since I was not a willing alleged infringer I should not have a black mark against my business account. I was merely reselling lawfully acquired copyrighted fabric from a reputable manufacturer, Shamash and Sons, and a reputable distributor which is expressly allowed under the First Sale Doctrine. Had you or your company taken reasonable steps and contacted me first we could have resolved this much easier.

The mark must be removed from my account.

Karen

--- RayPerman@aol.com wrote:

> Dear Karen
>
> I used my personal e mail for quickness. If you need
> the company address it
> is Sevensuits1rd@aol.com
> (<mailto:Sevensuits1rd@aol.com>) . What has happened
> with whom and who did what has nothing to do with
> the fact that the fabric
> makes illegal use of Erte designs no matter who
> sells it. I am sorry you have

Exhibit 4