

March 1, 2022

VIA EMAIL

Tyler Barg

Re: Knockoff of Volkswagen Microbus® - Infringement & Dilution of Volkswagen Trademarks

Dear Mr. Barg:

This law firm represents Volkswagen of America, Inc. which is an operating unit of Volkswagen Group of America, Inc. (“VWGoA”). VWGoA is tasked with enforcing the trademarks owned by Volkswagen AG (“VWAG”) in the United States. VWGoA and VWAG are collectively referred to hereinafter as “VW”.

I write in response to your emails to Dana Cizmadia at VWGoA regarding the importation and U.S. Customs Seizure of your knockoff Volkswagen Microbus® vehicle pictured below:

1133	S	H08年	660cc	04年09月	112千km	AT	3.5
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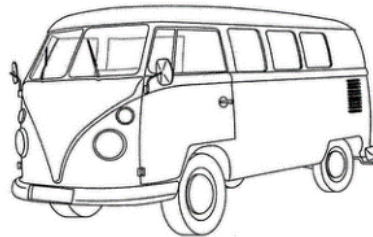
冷房	AC	色	初付
窓料	GS	色替	あり
装備	PS SR 付112,479km		
打正			
アビ-クルシト			

結果	成約 65.4万円
開催会場	JU東京 (埼玉県越谷市)
開催回数	1951
開催日	2021年08月09日 11時31分
入札締切	2021年08月09日 10時31分
状態	[受付は終了しました]

※ 上記の文字情報によるクレームは一切受付できません。
下記の出品票を十分に確認の上、ご入力ください。

出品番号 [1901] 1133	取扱店種別 8	車名 - グレード サンバーディアス ディアス	排気量 3.5
型式 V-KV3 660cc	ボディ AT	駆動 C C	燃料 C C
車種 自家用 ()	年 8年 9月 (日)	色 AC	走行距離 112,479km
カラー ホワイト	納期 6590円	納期 月 日	納期 月 日
店名 ワ-ゲンバス仕隊	店名 外ステアリング	店名 オイルエンジン	店名 下廻り
店名 エンジン	店名 96.8 ABS	店名 96.8 ABS	店名 96.8 ABS

You should be aware that VW has a trademark registration (U.S. Reg. No. 3,774,873) for the Volkswagen Microbus® depicted below:



The Volkswagen Microbus® image, design, and/or trade dress is distinctive and has been acknowledged by the courts as protectable trade dress that belongs to VW. *See, e.g., Volkswagen AG v. Verdier Microbus and Camper, Inc.*, 2009 WL 928130 (N.D. Cal. 2009) (granting VW's motion for preliminary injunction against defendant's marketing and sale of vehicles knocking off the Volkswagen Microbus®).

VW also has numerous trademark registrations for the world-famous VW® Logo or Emblem depicted below:



VWGoA cannot allow these knockoff Volkswagen Microbus® vehicles to be sold or driven in the United States. The public will be confused if the public sees these vehicles driving down the road or sees them otherwise, and will erroneously believe that VW has created this vehicle. The vehicles may also not meet U.S. vehicle regulations and therefore could pose a health and safety risk for consumers.

Contrary to your request, this vehicle cannot be stripped of its "VW logo" inasmuch as the shape, design, and general appearance of this vehicle infringe on VW's trademark and trade dress rights.

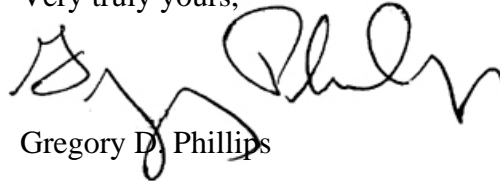
Accordingly, VWGoA cannot allow U.S. Customs and Border Protection to permit this vehicle to be imported into the United States.

We strongly urge you to contact the seller to obtain reimbursement of any payments and expenses you have incurred. Please also confirm that Japan Car Direct LLC is the seller so that we can contact the seller to prevent others from purchasing and importing these knockoff Volkswagen Microbus® vehicles.

This letter is without prejudice to the rights of VW, all of which are expressly reserved.

Should you have any questions concerning VWGoA's position in this matter, please feel free to call me at [REDACTED].

Very truly yours,

A handwritten signature in black ink, appearing to read "Gregory D. Phillips". The signature is fluid and cursive, with a large initial "G" and "P".

Gregory D. Phillips

GDP:sv
cc: Volkswagen Group of America, Inc.