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Rosetta Stone v. Google (Joint Appendix)


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5-5-2005

# Vol. IX, Tab 41 - Ex. 24 - Fax from Allstate Insurance Company

Allstate Insurance Company

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*Fax Cover Sheet*

DATE: May 5, 2005

FROM: Geri L. Haight

Direct Dial 617 348 1675  
GLHaight@mintz.com

TO:

NAME	COMPANY	BUSINESS #	FAX #
Mr. Ross Hagan, Esq.	Google, Inc.		650-618-1499
Cathy Mazzari	Allstate Insurance Co.		847-402-9882

MESSAGE:

EXHIBIT 2A

We are sending a total of 7 pages, including this cover sheet.

Please call us at 617.348.4966, if you experience any problems.

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Attorney  
Diana Bell 617-342-1673

May 5, 2005

BY CERTIFIED MAIL,  
RETURN RECEIPT REQUESTED  
& FACSIMILE

Ms. Rose Hagen, Esq.  
ATTN: Google AdWords, Trademark Complaints  
Google, Inc.  
1600 Amphitheatre Parkway  
Mountain View, CA 94043

Re: Federal Trademark Rights of Allstate Insurance Company

Dear Ms. Hagen:

We represent Allstate Insurance Company ("Allstate Insurance"), an industry leader in the field of automobile, property and casualty insurance services. Our client is the owner of numerous federally registered and incontestable trademarks and service marks for ALLSTATE (the "ALLSTATE Marks"), which are used in connection with a wide variety of insurance-related services. Attached for your review is a copy of one such ALLSTATE Mark, U.S. Registration No. 761091, for services relating to the "making, writing, and underwriting of insurance." It has come to our attention that Google, Inc. ("Google") has improperly used the ALLSTATE Marks to sell "Sponsored Link" advertising to an entity that is not authorized to use our client's intellectual property.

Our client has used the ALLSTATE Marks for almost 75 years. Since 1931, Allstate Insurance has invested hundreds of millions of dollars to create strong market and consumer recognition of the ALLSTATE Marks throughout the world. It has made a substantial investment in its intellectual property portfolio, which now includes over 100 trademark registrations and applications in the United States and abroad. Through its longstanding use of the ALLSTATE Marks, our client has established a worldwide reputation for quality and innovation in the insurance industry. Indeed, Allstate Insurance has received numerous accolades and awards, including its recent inclusion on the list of "The World's Leading Top 100

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MAYER, LEVIN, COHEN, FORTIS, GILBOVSKY AND PETER, P.C.

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Companies" published in *Forbes Magazine*. As a result, the ALLSTATE Marks are well known and are valuable assets symbolizing the good-will of Allstate Insurance's business.

We understand that Google has used our client's ALLSTATE Marks to sell advertising on an entity using the URL [www.autoandhome.com](http://www.autoandhome.com). This entity is in no way licensed, authorized or sponsored by Allstate Insurance. A search on Google of "ALLSTATE" or "ALLSTATE INSURANCE," for example, reveals that the non-Allstate Insurance URL, [www.autoandhome.com](http://www.autoandhome.com), appears as a "Sponsored Link" under our client's ALLSTATE Marks. If the user clicks on the title link "ALLSTATE INSURANCE" [www.autoandhome.com](http://www.autoandhome.com), the consumer is directed to an AutoAndHome.com website, which provides quotes for home, automobile, life and health insurance based on the user's zip code. Once a zip code is provided, AutoAndHome.com directs the user to the websites of several insurance providers, such as insurance and America, among others. None of the featured insurers that appear through use of the URL [www.autoandhome.com](http://www.autoandhome.com) originate with or are licensed, authorized or sponsored by Allstate Insurance.

Consistent with the requirements of Google's Trademark Complaint Procedure, to which you directed my client last evening, Allstate Insurance represents that it has a good faith basis to assert that use of the trademarks described above with the advertisements described above are not authorized by the trademark owner or its agents, nor is such use permissible under law. Google's sale of the ALLSTATE Marks in advertising content that directs consumer traffic to insurance companies that have no connection or affiliation with our client is improper. This unauthorized use of the ALLSTATE Marks inaccurately suggests to consumers that the insurance services provided by [www.autoandhome.com](http://www.autoandhome.com) and its featured insurers somehow originate with or are licensed, authorized or sponsored by Allstate Insurance when, in fact, they are not.

We are aware that our client is not the only insurer that has been injured by Google's unauthorized use of another's registered trademarks to sell "Sponsored Link" advertising to [www.autoandhome.com](http://www.autoandhome.com). Based on an article in the *Insurance Journal* dated May 3, 2005 (<http://www.insurancejournal.com/news/ny/financial/2005/05/03/54514.htm>), we understand that Google has agreed to remove advertising containing the RESPONSE INSURANCE service mark from the Google site. Like Response Insurance Company, Allstate Insurance's similarly owns federally registered trademarks and service marks that Google is using to sell "Sponsored Link" advertising to [www.autoandhome.com](http://www.autoandhome.com), wherein the ALLSTATE Marks then appear in the text of the advertisement. As it has done with the mark RESPONSE INSURANCE, and in accordance with Google's Trademark Complaint Procedure, we demand that Google "require the advertiser to remove the trademarked term from the content of the ad and prevent the advertiser from using the trademarked term in ad content in the future."

In addition, we note that several other URLs, such as [www.autoandhome.com](http://www.autoandhome.com), [www.insurance.com](http://www.insurance.com) and [www.netquote.com](http://www.netquote.com), similarly use the ALLSTATE Marks in their

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LEVIN, LIND, CLARK, FORAN, GLOVSKY AND POLO, P.C.

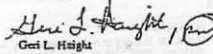
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"Sponsored Link" advertisements to link consumers to services that do not originate with and are not licensed, authorized or sponsored by Allstate Insurance. Allstate Insurance generally objects to all advertisements that use the ALLSTATE Marks in their advertisements without authority or permission. We demand that Google confirm in writing within five (5) business days that it has taken all steps necessary to remove any and all "Sponsored Link" advertisements, including those listed above, that impermissibly incorporate our clients' federally registered ALLSTATE Marks.

I represent that the information in this notification is true and correct and that I am authorized to act on behalf of the trademark owner, Allstate Insurance. This letter is written without prejudice to the rights and claims of Allstate Insurance, all of which are hereby expressly reserved.

I look forward to your prompt response.

Sincerely,



Geri L. Haight

Enclosure

cc: Casey Mangum, Esq., Allstate Insurance Company

LIT 1519279-1