

## David Barberis

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**From:** Legal Dep.Alibaba China [legal@alibaba-inc.com]  
**Sent:** Wednesday, February 04, 2009 1:41 AM  
**To:** dbarberis@baintlinc.com  
**Subject:** [!! SPAM] ??: Infringement on our brand products

Dear Sir,

The infringing link:

<http://detail.china.alibaba.com/buyer/offerdetail/210127929.html#playerStart> Already removed on 2009-1-23.

Best Wishes!

法务部/ 阿里巴巴

TE1: 0571-85022088-30679

Fax: 0571-88157921

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<http://www.alibaba.com>

Meet me at Alibaba.com

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**From:** David Barberis [mailto:dbarberis@baintlinc.com]  
**Sent:** Wednesday, January 14, 2009 11:47 PM  
**To:** registeredagent@hk.alibaba-inc.com  
**Subject:** RE: Infringement on our brand products

Dear Sirs,

First I would like to thank you for your prompt reply to my concern.

This is the first Alibaba.com page in question

<http://detail.china.alibaba.com/buyer/offerdetail/210127929.html#playerStart>

I am attaching hereto the US EPA registration for our product known as FPE Fuel Performance Enhancer US EPA Registration no 2011-20009, I am also attaching the joint US/Canadian Departments of Defense Certification for the product as well pictures of the original product as listed on your website. Last I am including the letter that was submitted to Mr. Jim Caldwell with the US Environmental Protection Agency advising of shipping of counterfeit product from Kino Bay Inc, and supplied to them by Iris Incorporated another of your members.

Also attached you will see US EPA Registration no 2011-20008 for our CCT Complete Combustion Technology which is the number that Kino Bay Inc. is using for 2 ounce packaging of the FPE product.

I am also including herewith my Alibaba.com store link [http://www.alibaba.com/member/bsrmanagement.html?tracelog=newminisite\\_go\\_website](http://www.alibaba.com/member/bsrmanagement.html?tracelog=newminisite_go_website) note that the FPE is also listed there.

I trust this issue could be corrected I find your services to be very valuable and have considered upgrading but have been afraid of the situation that I am experiencing.

Respectfully yours,

David J. Barberis  
President/CEO  
B&A Int'l, Inc.

From: Legal Department, Alibaba.com [mailto:registeredagent@hk.alibaba-inc.com]  
Sent: Tuesday, January 13, 2009 10:32 PM  
To: 'David Barberis'  
Subject: RE: Infringement on our brand products

Dear Mr. Barberis,

We thank you and refer to your email dated January 13, 2009.

Please be informed that if you wished to complain certain listed products in our website for any infringement of your intellectual property right, kindly provide us the proof of your ownership of the intellectual property right as follows:

1. Trademark:

- \* a copy of the trademark registration certificate;
- 2. Patent:
  - \* a copy of the patent / design patent registration certificate;
- 3. Copyright:
  - \* the date and place that the copyrighted work was first made and first published;
  - \* the name of the author/owner of the copyrighted work; and
  - \* a copy of the copyrighted work, e.g. a registration certificate, a photo.

Please also identify the specific product(s) which you claim to be infringing your rights by providing us with specific URLs as the product listings of our website are extensive and we are not an expert in your intellectual property right.

Once we are in receipt of the above information, we shall consider your claim and, if necessary, take appropriate action in accordance with our company's policy.

We thank you for your kind attention.

Yours faithfully,  
Legal Department,  
Alibaba.com

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From: David Barberis [mailto:dbarberis@baintlinc.com]  
Sent: Tuesday, January 13, 2009 11:07 PM  
To: registeredagent@alibaba-inc.com  
Subject: Infringement on our brand products

Dear Sirs,

The attached notice about Kino Bay Inc. doing business out of Whittier California in China and Korea is using your website to promote and utilize B&A products for which they have no authorization to sell or represent, further they are using our US EPA Registration for advertising purposes as well our Certifications from US and Canadian Departments of Defense.

Kino Bay Inc. was supposed to represent our products however they never received delivery of any product from us however they are selling in China.

Please advise if you need any other documentation from me.

Respectfully,

David J. Barberis