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March 7, 2017

OUR FILE: SAGE

Via e-mail: courtney@stargazer-consulting.com

Courtney G. Lytle, Esq.
Stargazer Consulting
4170 Ridgehurst Drive, Suite 201
Smyrna, Georgia 30080

Re: **Sage Goddess, Inc.**

Dear Ms. Lytle:


Receipt of your letter dated March 2, 2017 is acknowledged. Suffice it to say that our legal opinions and conclusions regarding the matters addressed therein differ from your own.

Nevertheless, in order to mitigate the damage done to our client by the interview published by Pagan Business Network, our client accepts your client's offer to publish our client's side of the story in a timely fashion. Our client's submission is attached to this e-mail. Please advise, as soon as possible, when Pagan Business Network will be publishing our client's side of the story, as submitted.

Needless to say, nothing contained herein is intended nor should it be construed as in any way waiving or prejudicing any rights or remedies our client may have in this matter.

Very truly yours,

LAW OFFICES OF SCOTT LEE SHABEL

By: 

Scott Lee Shabel

SLS:rr
Attachment

Sage Goddess is a family-owned and operated metaphysical company based in California. We've recently become the target of widespread criticism after the PBN News Network published an article talking about protecting your business, which was in response to our attempt to prevent infringement of our unique intellectual property.

In 2016, we discovered a relatively new online retailer whose products, packaging, imagery/graphics, branding, marketing, and copywriting bear an unmistakable resemblance to our own. The bottle, cap, sari silk, stones, ingredients, and labels for several products were in most cases, identical to ours, including products we've had on the market for years. The marketing and descriptive copy used to sell this competitor's products were, in some cases, lifted verbatim from our website. When a number of our customers wrote to us saying they were confused as to whether our products were being sold by another shop, we had no choice but to take legal action to protect our tradename, trade dress and other intellectual property rights.

We contacted the competitor and asked them to stop copying our product name, design and brand. This began as our own pursuit to protect the years of time, energy, and money we've spent on market research, creative design, trial and error, and product refinement. When we reached out to them, we also reached out to Etsy and Shopify, the two merchant platforms this competitor uses. Each merchant platform replied back requesting a trademark number, which they require to initiate and support a claim of trademark violation. So, we asked our attorney to file for multiple products being copied so we could fulfill that request and stop the copying; Etsy promptly removed several of the copycat products, and Shopify and the copycat removed one, but not others.

After our attorney wrote the Cease and Desist letter to the perpetrators, we were shocked to learn that one of them, who goes by the name of Lila Elwood, conducted a purported interview, published online in the Pagan Business News, which contained false statements and misleading conclusions of law. First of all, contrary to what the interviewee claims in the article, Sage Goddess is not a large corporation, but rather a family business. Second, we do not seek to trademark the word Yule generally, but to trademark this word only as associated with our product Yule Perfume, in order to prevent current and future intellectual property theft (i.e., to stop this one copycatting online shop). We have never pursued product trademarking until this point, when forced to do so in light of the blatant imitation of multiple Sage Goddess products.

After sending our letters requesting the perfumes be removed, the PBN author, who never contacted us prior to publishing her article to get our side of the story, also created an online petition to stop us from trademarking Yule, making it sound like we were trying to trademark a holiday and again failing to disclose the infringement caused by this competitor and our objectives.

So, we contacted PBN who graciously offered us the opportunity to publish this response to correct the facts, and share our side of the story.

We at Sage Goddess are in the business of spreading light and love. Our effort to curtail this copycat via trademark filing is both within our rights and necessary to protect our brand and our livelihood. Cultivating the identity of our business and the unique products we sell did not happen quickly or easily. It has required a sustained effort and a commitment to authenticity to arrive at the place we're at today. That said, we have alternative grounds and means to do so, in addition to trademarking the name Yule for use in perfumes, so out of respect for the concerns of the Pagan community, of which we are a loving member, and despite the misinformation spread that we are trying to trademark a holiday, which will adversely affect many shops, we are withdrawing our filing for that mark.

Sage Goddess has no desire to "corner" the metaphysical market or prevent other conscious metaphysical businesses from thriving. Obviously, Yule (the holiday) belongs to everyone. The sabbats are for all of us to celebrate, honor, and enjoy. However, when a competing company sells and markets multiple identical products - whatever their name, with nearly indistinguishable packaging, graphics and wording, there is a serious intellectual property violation. We felt the need to take action against this infringement, to defend what has taken us years to conceive and build. We will continue to protect ourselves against those who seek to profit from our creativity.