

SnowMonsters

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FAX

3 pages total

29 December 2004

TO: **The Honorable Rob Bishop**
United States House of Representatives

Ray Kimber

FROM: **Jack Turner**



RE: Please help us save our business

A two-page letter about our fight to save our business from Monster Cable in Brisbane, CA is attached.

We have filed a complaint in Federal Court in Denver tomorrow, but this is a legislative issue as much as one for the courts.

Please give this matter review. It has many impacts beyond our small company.

I know that I'm not in your state or district, but my own Senator and Representative are both newly elected and aren't yet "dialed into" the federal government.



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22 December 2004

The Honorable Rob Bishop
United States House of Representatives
124 Cannon House Office Building
Washington, DC 20515

Dear Representative Bishop,

In 1997, my family and I created a national ski and snowboard safety program for kids called "Snow Monsters." Our small company now has more than 100 resorts in the United States and Canada using our films, books, and other products to teach safety and environmental respect to children. The Canyons Resort and Snowbird are both members of our program.

Our company is under siege by Monster Cable Products, Inc. (Brisbane, CA), a leading manufacturer of electronic cable accessories.

Monster Cable demands that our company give up rights to its name so that Monster Cable can trademark "Snow Monsters." The Turner family, the creators of the Snow Monsters program, would then license the marks back from Monster Cable.

We have discovered that Monster Cable has been aggressive in suing trademark owners using any variation of the word MONSTER for virtually any purpose. They have gone after everyone from monstervintage.com, a family-owned business selling vintage clothing, to Razor and Tie Direct, for use of "Monster Madness" and "Monster Ballads" in connection with music albums.

Monster Cable's strategy is to run up enormous legal expenses and drag out trademark infringement cases for many years if necessary, thereby forcing small companies to give in to their unreasonable demands or risk losing their trademarks.

This is a new and important issue that deserves federal legislative attention for several reasons:

1. Monster Cable (and other large corporations) is attempting the control of certain words in the English language under the guise of trademark protection. Monster Cable is on record that it intends to own every use of the word Monster if possible.

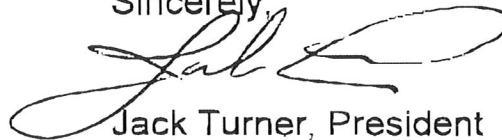
It's an extremely dangerous precedent if large businesses can effectively control the use of common words by virtue of their legal war chest. Even worse, they can eliminate or extort small companies like ours to serve their goal.

2. Large corporations must be prevented from predatory practices and extortion against small companies like ours when there is no possible chance that we have ever infringed on their trademarks or business.
3. Monster Cable boasts that it doesn't mind pursuing frivolous cases against small companies like ours for the sake of "sending a message." There is no penalty for them except their lawyers' fees. The same fees for a small company are a death penalty. This must issue must be addressed if we are truly a society of free enterprise.

A complaint has been filed in Denver Federal Court to stop Monster Cable Products from destroying a national ski and snowboard program that doesn't infringe or dilute Monster Cable's MONSTER trademarks.

This is our only course of action, but you can help us in any way we would really appreciate your help.

Sincerely,



Jack Turner, President
Sirdar, LLC
(dba Snow Monsters)

cc: Ray Kimber, Kimber Kable (Ogden, UT)

