

April 12, 2021

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Via UPS and email (hello@softspot.art)

Matt Condon
New York, New York

Softspot, LLC
c/o The Company Corporation
251 Little Falls Drive
Wilmington, New Castle
Delaware, 19808

Re: Infringement of Yat Labs' Rights in the YAT™ Trademark

Dear Mr. Condon:

We are counsel to Emoji ID, LLC d/b/a Yat Labs, a Delaware limited liability company ("Yat Labs"), and write to you regarding your use of the term Ý.AT. Not only is your use of Ý.AT a blatant infringement of Yat Labs' YAT™ trademark, you are fostering an environment for the creation of sham Ý.AT emoji usernames that will inevitably lead to increased opportunities for phishing and other cyberattacks. Accordingly, we demand that you immediately cease and desist from use of Ý.AT or any other term confusingly similar to the YAT™ trademark. We are sending this letter to you directly because we are not aware that you have retained counsel regarding this matter. If you have done so, please let us know the identity of the attorney so that we may direct all future correspondence to his or her attention.

As you are undoubtedly aware, Yat Labs has developed a patent-pending blockchain-enabled registry of unique emojis or combinations of emojis that it markets under the YAT™ trademark ("YAT™ Usernames"). YAT™ Usernames are accessible through the company's website located at <http://y.at>, and users can license one or more YAT™ Usernames from Yat Labs and associate them with a third-party website URL, social media handle, cryptocurrency payment address, email address, location data, text data, or other online data selected by the user. As of the date of this letter, Yat Labs has fostered a community of more than 40,000 social creators, cultural icons and web 3.0 enthusiasts around the world who have collectively created and purchased millions' worth of YAT™ Usernames, most recently at a live online auction held on April 2, 2021 (the "Auction").

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Yat Labs has been using the YAT™ trademark in connection with its unique emoji username products and services since at least as early as November 1, 2020. Through widespread use and promotion, Yat Labs has developed substantial and valuable goodwill and recognition for the YAT™ trademark. Yat Labs is also the owner of U.S. Application Serial No. 90/279,271 for the YAT™ trademark.

Upon information and belief, Yat Labs understands that on April 8, 2021, you registered the domain name <https://y.at/> (the “Infringing Domain”), which domain name resolves to a webpage prominently displaying the term Ý.AT (the “Infringing Website”). The Infringing Website purports to allow users to “[c]laim your ý.at” and register an emoji username. As of the date of this letter, the website is not functional and registration of emoji usernames through the Infringing Website does not appear to be possible. A copy of the Infringing Website is enclosed with this letter.

The prominent use of the Ý.AT term appears to be made with the intent to trade on the goodwill associated with Yat Labs' YAT™ Usernames and YAT™ trademark. Your unlawful use creates the false impression that your goods and services originate from Yat Labs, or that Yat Labs is somehow connected or associated with your goods and services, so as to deceive customers or to cause confusion or mistake as to the origin or affiliation of your and Yat Labs' goods and services. The Ý.AT term that makes up the Infringing Domain and is predominantly featured on the Infringing Website is virtually identical to our client's YAT™ trademark, resulting in the likelihood that consumers will assume that Yat Labs is somehow related to the Infringing Domain and Infringing Website. *See Clever Cloud SAS v. Dr.-Ing. Benjamin Poppinga*, WIPO Case No. D2020-2813 (finding disputed domain name <clever.cloud> to be identical to the Complainant's CLEVER CLOUD trademark).

Moreover, you were clearly familiar with our client's YAT™ trademark, given the registration of the Infringing Domain less than a week after the Auction to offer services that are nearly identical to those offered by our client. The timing of your actions cannot be coincidental. Not only do your actions cause irreparable harm to our client, such actions create a serious risk for internet users at large, exposing them to potential phishing attacks by allowing others to register Ý.AT- or ÝAT-branded emoji usernames through the Infringing Website to establish a malicious copy of a genuine YAT™ Username. This is particularly concerning as YAT™ Usernames are used by high-profile musicians, artists, celebrities, and the like with over 100 million combined followers. Our client takes this matter very seriously and views your attempt to mislead consumers regarding Yat Labs and its YAT™ Usernames as an attempt to tarnish the self-sovereignty and privacy values of the Yat community as a whole.

Given the foregoing, your use of Ý.AT in connection with the Infringing Domain and Infringing Website constitutes willful trademark infringement, unfair competition, and false association under U.S. federal and state law, including Section 43(a) of the Lanham Act (15

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U.S.C. §1125(a)), that would entitle our client to an award of your profits, treble damages, as well as our client's attorneys' fees and costs.

Accordingly, we demand on Yat Labs' behalf that you (a) immediately disable the Infringing Website and transfer the Infringing Domain to our client, (b) permanently cease and desist from all use of any mark or term that incorporates the YAT™ trademark, including without limitation any variations thereof, such as Ý.AT or ÝAT, (c) remove all references to Ý.AT or ÝAT from your Twitter account @mattgcondon and any other social media accounts, (d) provide us with sufficient information to determine the full amount of gross revenues and profits you may have received from your use and registration of the Infringing Domain, (e) abandon or withdraw any and all applications or registrations you may have filed for the infringing marks, and (f) provide written confirmation that you will comply with these requests. Any failure or delay in complying with these demands will likely compound the damages for which you will be liable.

If we do not receive written confirmation that you have complied and will comply with all of the demands contained herein by end of day **April 13, 2021**, we will have no alternative but to advise our client to take all necessary and appropriate steps to protect its rights, including, without limitation, instituting a lawsuit in federal court.

This letter is not intended to be a recitation of all of the facts pertaining to this matter or all of Yat Lab's possible claims. Accordingly, Yat Labs expressly reserves all of its legal and equitable rights and remedies, including the right to seek injunctive relief and recover monetary damages.

Sincerely,



Muzamil Huq

Encl.

Y.AT

everyone gets an emoji! 🍌

Your Emoji Username

👉👉

Yup, any emojis you want, we don't care.

Where should your y.at go?

https://example.com

Yup, anywhere on the web, we don't care.

Claim your y.at