

May 10, 2018

VIA E-MAIL (*info@gCaptain.com; mike@gCaptain.com*)  
ORIGINAL VIA U.S. MAIL

Mr. Mike Schuler  
gCaptain  
1100 Broad St.  
San Luis Obispo, CA 93405

RE: Trademark Matters re gCaptain and Plimsoll Gear, Inc.  
Our File: 055626-00016

Dear Mr. Schuler:

We are counsel to Plimsoll Gear, Inc (“Plimsoll Gear”), a leading producer of goods dedicated to the importance of a balanced life, as can be seen on the company’s website (*plimsollgear.com*). I must say at the outset that it is my understanding that a representative from our client has tried to reach out to you regarding this issue in a “mariner to mariner” manner, but has had no luck in resolving the same. To that end, we have been asked to get involved and hence the purpose of my writing today. If you believe this issue can still be resolved “mariner to mariner,” I encourage you to reach out to our client’s representative.

Plimsoll Gear has steadily grown over the years and now offers an assortment of products under trademark registrations worldwide, including in the United States, Europe, Canada, and Australia. In particular, Plimsoll Gear is the owner of rights in the trademarks PLIMSOLL GEAR and the design shown below (“Plimsoll Logo”) in connection with a variety of goods including paper goods (e.g., stickers), clothing and headgear, and beverage ware (the “Trademarks”).

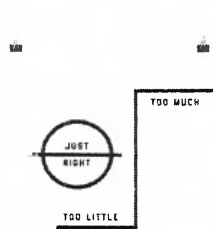


Plimsoll Gear also owns U.S. Trademark Registration No. 3,703,324 for PLIMSOLL GEAR and No. 3,664,569 for the Plimsoll Logo for goods in International Classes 9, 16, 18, 20, 21 and 25. Our client has made a substantial investment in creating and

- Charleston
- Charlotte
- Columbia
- Greensboro
- Greenville
- Hilton Head
- Myrtle Beach
- Raleigh**

promoting the Trademarks, its brand, and the goodwill associated therewith since as early as 2008.

We write to you today regarding your use of the Plimsoll name and symbol in connection with the sale of goods on your website (*shop.gcaptain.com*). Specifically, we have recently learned that you are offering shirts, hats and posters displaying the Plimsoll symbol and using the Plimsoll name, as shown below.



The poster features the Plimsoll symbol, a circle with a horizontal line through it, and the words "JUST" above and "RIGHT" below the line. To the right of the symbol is a large, white, L-shaped graphic. The top horizontal bar of the L is labeled "TOO MUCH" and the vertical bar is labeled "TOO LITTLE".

Samuel Plimsoll  
Poster

\$77.50

ADD TO CART

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The mug is black with the Plimsoll symbol and the "TOO MUCH" / "TOO LITTLE" graphic printed in white on the front.

Plimsoll Mark Mug

\$24.50

ADD TO CART

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The shirt is black with the Plimsoll symbol and the "TOO MUCH" / "TOO LITTLE" graphic printed in white on the chest.

Samuel Plimsoll Shirt

\$29.50

ADD TO CART

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May 10, 2018

Page 3

As you likely know, particularly considering your own intellectual property, trademark owners have an obligation to police their marks to ensure that confusion does not arise in the marketplace. Your use of the Plimsoll name and symbol in connection with the offering for sale of items identical and similar to those sold by our client and protected by Plimsoll Gear's trademark registrations creates a risk of consumer confusion regarding the source and sponsorship of those items and potential affiliations between gCaptain and Plimsoll Gear.

While the version of the Plimsoll symbol which you are using is not identical to the one shown in our client's registration, the designs are similar enough that a purchaser could confuse one version for the other or assume that one company sells products that display the two variations. The end result in either case is purchaser confusion as to the source of the goods. Consequently, your use of the Trademarks is in violation of our client's rights under federal and state trademark and unfair competition laws.

In light of such likelihood of confusion, Plimsoll Gear must demand that you immediately stop offering and selling goods using the Trademarks of Plimsoll Gear, particularly, t-shirts, mugs and posters which display the Plimsoll symbol. If you advise us in writing within ten (10) business days from the date of this letter that all use has stopped and will not resume, we will consider this matter resolved.

As we wish to resolve this matter amicably, we sincerely hope that gCaptain will respect the efforts of Plimsoll Gear to protect its intellectual property, including the Trademarks that it has worked hard to build and which define its business. We look forward to your reply.

Yours truly,



E. Eric Mills

cc: Plimsoll Gear, Inc.