Beginning in 1974 there were constant threats of lawsuits by Ann Baker against Denny Dayton and the RFC. Finally in 1987 Denny won a lawsuit against Ann Baker over her attempts to prevent the use of the name Ragdolls. Denny won the law suit and Ann was told to cease from claiming that Ragdolls are not a breed. The term Ragdoll, when referring to the breed, is not a valid trademark that can be enforced by her.

60 Oliver Street
Malden, MA 02148

28 December 1987

Dear RFC Breeder,

It is with the greatest of pleasure that I write this letter, because I finally have something concrete to report concerning the problem with Ann Baker and the use of her "Trademark".

This woman has been a thorn in our sides for many, many years. At last, hopefully, we will put all this foolishness of hers to rest. She probably will continue to mail out her little packets of hate mail, but she will no longer have any legal action to take against us.

My heartfelt thanks goes out to each one of you that contacted me and offered support, both monetary and moral. It was greatly appreciated, because we really must put up a united front and work together for the betterment of these beautiful creatures we have chosen to share our lives with.

If you have any questions about this legal action or about any breed matters, please contact me and I will try to be helpful and answer all the queries.

Enclosed, please read with great pleasure the letter our lawyer has sent to Baker's lawyer.

Sincerely,

Dorothy Metcalf

Dorothy Metcalf
Vice President/Breed Chairman

ESTHER J. HORWICH — Attorney at Law

SUITE 502
27 SCHOOL STREET
BOSTON, MASSACHUSETTS 02108
TELEPHONE (617) 523-1150

COPY

December 21, 1987

Marilyn J. Betts, Esq.
1002 Waynewood Blvd.
Alexandria, VA 22308

RE: Ragdoll Cats

Dear Ms. Betts:

This letter is in response to your letter dated October 16, 1987, addressed to the Ragdoll Fanciers in which you demand that my clients cease using the term, "Ragdoll" to refer to the breed of cats. I have investigated the matter and it appears that your client's actions and inactions have rendered the mark generic and not subject to protection under the trademark laws.

In 1965, your client registered Ragdoll cats as a breed with the National Cat Fanciers' Association, Inc. In much of the literature that she has mailed out to my clients, your client has referred to Ragdolls as a breed of cats. Your client's use of the word "Ragdoll" is no different than the use of such former trademarks as Delicious apples, American Beauty roses and Morgan horses, all of which are now generic. Your client has therefore used the word in such a manner that it is not entitled to trademark protection.

In addition to your client's use of the mark in a generic fashion, the media, as well as other cat owners refer to Ragdolls as a breed of cats. The Ragdoll breed is registered with ACA, ACC, ACFA, CFF, Crown, TICA and UCF. Your client has taken no steps to enforce any rights she might have against these organizations.

This is not the first time that your client has attempted to prevent my clients from engaging the trade of breeding Ragdolls. In the summer of 1976, she sought to commence an action through the fraud section of the District Attorney in Ventura, California. After investigation, the District Attorney found that she had sold Ragdoll cats to Mr. and Mrs. Dayton without reserving rights in the name of those cats. The District Attorney specifically found that the agreement that your client

entered into with the Daytons in 1971 and in 1972 made no reservation of rights to the name Ragdoll and instead, gave the Daytons the right to breed and sell Ragdoll cats. Your client has repeatedly harassed various of my clients through mass mailings and otherwise, in an attempt to prevent them from engaging in the trade of breeding Ragdoll cats. In 1976, your client was ordered by the Superior Court of the State of California to cease and desist from:

> Publishing, circulating or disseminating advertisements or literature asserting that cats not sold, approved or crested by Ann Baker are not authentic specimens of the Ragdoll breed of cat; publishing, circulating and/or distributing literature asserting that cats bred and sold by the plaintiffs are not authentic specimens of the Ragdoll breed of cats; publishing, circulating and/or disseminating to public officials allegations that the plaintiffs are defrauding the public; publishing and circulating such material to, or asserting to any local, regional, national or international cat association that cats bred and sold by plaintiff are not authentic specimens of the Ragdoll cat; interfering with plaintiff's relations with any local, regional, national or international cat associations; publishing, circulating and/or distributing advertisements or literature implying the defendant has or can offer franchises; publishing, circulating or distributing literature stating that advertising for the sale of breeding pairs of Ragdoll cats must be approved by the Department of Corporations through the defendant.

The Superior Court for the State of California for the County of Ventura has referred to Ragdolls as a breed of cats. Your client never appealed that order. She is therefore estopped from now claiming that Ragdolls are not a breed. The term "Ragdoll", when referring to the breed, is not a valid trademark that can be enforced by your client.

I trust that the information contained in this letter will persuade you and your client that any further action to enforce trademark rights which, if they existed at all, have been lost through the generic connotation of the term, "Ragdoll", would be futile. If your client continues to harass my clients on this frivolous claim, action will be taken and costs will be sought.

Sincerely yours,

Esther J. Horwich