



AUTO PAINTING | COLLISION REPAIR

September 7, 2016

Via Federal Express Overnight Delivery

Domains By Proxy, LLC
14747 N. Northsight Blvd., Ste. 111
Scottsdale, AZ 85260
unhappyfranchisee@gmail.com

Re: Cease and Desist Use of MAACO Trademark and Defamatory Statements

Dear Registrant:

The MAACO Franchising, LLC ("MAACO") Legal Department has learned that you are displaying the graphic "Uh oh! Better Sue MAACO" on a website dedicated to "Unhappy Franchisees" (www.unhappyfranchisee.com) (the "Site"). Enclosed, please find evidence of your use of "Uh Oh! Better Sue MAACO" in connection with MAACO's federally protected trademark. "Uh Oh! Better Get MAACO!" is MAACO trademarked phrase, and you will note that the color scheme of the design and stylized logo on the Site are both confusingly (and purposefully) similar to MAACO's federally protected trademarks (the "Marks") and is actionable at law. For your reference, enclosed please also find confirmation of MAACO's federally protected trademark from the United States Patent and Trademark Office.

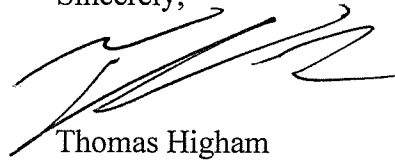
Your conduct in using or causing to use a trademark that is confusingly similar to MAACO's federally protected Marks, in commerce without authorization, is a violation of, among other things, the federal Lanham Act. Accordingly, you must immediately cease and desist your use of the Marks. **Please send this office proof of your compliance within five (5) days of receipt of this letter by email to thomas.higham@drivenbrands.com or by mail to 440 South Church Street, Suite 700, Charlotte, North Carolina 28202.**

Moreover, the Site indicates that "The Maaco franchise has an alarmingly high SBA loan default rate of 29%." This statement is demonstrably false, and causes significant and irreparable harm to the MAACO brand and MAACO franchise sales. MAACO demands that you remove this false and defamatory statement immediately. **If this statement is not retracted within five (5) days of receipt of this letter, MAACO intends to file a libel lawsuit.**

Please be advised that MAACO reserves the right to undertake all appropriate steps to protect its trademark and its associated goodwill. If MAACO were to file a lawsuit against you, it would be entitled to seek, without limitation: (i) preliminary and permanent injunctive relief; (ii) monetary damages; (iii) disgorgement of any and all profits that have been realized through use of the Marks; (iv) reimbursement of attorneys' fees required to prosecute any action against you; and (v) monetary damages associated with the damage to goodwill in the market.

In light of the foregoing, MAACO demands that you immediately cease and desist use of the Marks and remove the defamatory statement. You are further notified that if such activity continues, MAACO will take all actions necessary under state and federal law to protect its rights. This letter is made without waiver or prejudice as to any other rights and remedies which MAACO may have.

Sincerely,

A handwritten signature in black ink, appearing to read 'THOMAS HIGHAM', written in a cursive style.

Thomas Higham
Corporate Counsel

Enclosures



United States Patent and Trademark Office

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Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Sep 7 03:21:50 EDT 2016

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List At: OR to record: **Record 46 out of 46**

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Typed Drawing

Word Mark UH OH BETTER GET MAACO
Goods and Services IC 037. US 103. G & S: PAINTING, REFINISHING AND REPAIRING MOTOR VEHICLES. FIRST USE: 19811100. FIRST USE IN COMMERCE: 19811100
Mark Drawing Code (1) TYPED DRAWING
Serial Number 73638427
Filing Date January 5, 1987
Current Basis 1A
Original Filing Basis 1A
Published for Opposition July 7, 1987
Registration Number 1459555
Registration Date September 29, 1987
Owner (REGISTRANT) MAACO ENTERPRISES, INC. CORPORATION PENNSYLVANIA 381 BROOKS ROAD KING OF PRUSSIA PENNSYLVANIA 19406

 (LAST LISTED OWNER) MAACO FRANCHISING, LLC LIMITED LIABILITY COMPANY DELAWARE 440 SOUTH CHURCH STREET, SUITE 700 CHARLOTTE NORTH CAROLINA 28202

Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Randel S. Springer

Prior Registrations 1008037;1050422;1084252;1084283;1088985
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20071025.
Renewal 1ST RENEWAL 20071025
Live/Dead Indicator LIVE

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MAACO Franchise Complaints

July 11, 2012 ADMIN 44 Comments auto franchise, automotive franchise, franchise, franchise failure rate, franchise information, Maaco, Maaco complaints, Maaco franchise, Uh Oh Better sue Maaco, unhappy franchisee, worst franchise

The Maaco franchise has an alarmingly high SBA loan default rate of 29%

LABOR DAY TIRE SALES EVENT

Quick Lane
Tire Centers

Spend less of your hard-earned money on tires. 8/25 - 9/7.

13 Major Tire Brands. All Makes and Models.

Get Offer Details

Are you familiar with the Maaco franchise opportunity? Please share a comment below.

That means that Maaco franchise owners, some of whom may have collateralized their franchise loan with their house or other personal assets, were unable to repay their loans 29% of the time.

In addition, Entrepreneur reports that the total number of Precision Tune franchises has declined from 432 in 2008 to 425 in 2011, a decline of 7 franchise centers.

Uh-Oh! Better Sue MAACO!

Uh Oh! Better Sue MAACO

What do you think of the MAACO franchise program? Join the conversation; share a comment below:
UnhappyFranchisee.Com

The Maaco Franchise has an alarmingly high failure rate of 29% for SBA-backed franchise loans

Are you familiar with the Maaco franchise opportunity?

What do you think accounts for the high SBA loan failure rates of Maaco franchise owners?

What steps should Maaco be taking to stop further franchise failures?

Please share a comment, opinion or insight below.

ARE YOU A MAACO FRANCHISE OWNER OR FORMER FRANCHISEE? ARE YOU FAMILIAR WITH THE MAACO FRANCHISE OPPORTUNITY? PLEASE SHARE A COMMENT BELOW.

Contact UnhappyFranchisee.com

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Philippines First Class

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