



Christopher R. Miller
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VIA EMAIL TO steven.berkowitz@move.com

Steven H. Berkowitz
Chief Executive Officer
Move, Inc.
10 Almaden Blvd., Suite 800
San Jose, CA 95113

RE: Agent Match® Trademark Cease and Desist Demand; Notice of Potential Patent Infringement

Dear Mr. Berkowitz:

We have recently learned that your business, Move, Inc., operating Realtor.com, has been using our trademark “**Agent Match®**” in association with the marketing or sale of your products & services on your Beta site, agentmatch.realtor.com. Upon visiting the site, it is astonishing to see that not only is the site infringing our registered mark, but that the look and feel of the site is substantially identical to that of Neighborcity.com, including the logo. While we would like to think that this use is inadvertent, it seems unlikely given the litigated matters in which we are engaged with the National Association of Realtors. In addition to the clear infringement of our registered mark, there is a substantial likelihood that your business model derives from an infringement of our pending process patent, discussed more fully below.

Agent Match® is a registered trademark (U.S. Reg. No. 3694425) of our business, American Home Realty Network, Inc., owning and operating Neighborcity.com.

Our federal registration of this trademark provides us with certain proprietary rights. This includes the right to restrict the use of the trademark, or a confusingly similar trademark, in association with confusingly similar products or services.

It is essential that we exercise our right to protect our trademark. It serves as an important and distinctive representation of the origin of our products as well as the goodwill of our company.

State and federal law supports our position that confusingly similar trademarks may cause confusion among customers. This confusion may cause substantial harm to the trademark by facilitating the loss of its effectiveness in establishing a distinct association between it, our products & services, and our company's goodwill.

Due to these concerns, and because unauthorized use of our federally registered trademark amounts to an infringement of our trademark rights, we demand that you cease & desist from any further use of Agent Match in association with the marketing, sale, distribution, or identification of your products, or services.

With regard to the issue of potential patent infringement, please be advised that we have a pending patent application entitled "System for Matching Property Characteristics or Desired Property Characteristics to Real Estate Experience", filed on August 3, 2010 and published on March 31, 2011, publication number US20110078138A1, application number US 12/849,612. It appears, from what we have learned about your plans for your agent evaluation business, that the processes used are substantially similar to the claims set forth in our patent application..

My purpose in alerting you to the patent issue is that, while we cannot bring an enforcement action until the patent is granted, we do intend, once it is granted, to seek all provisional remedies available under 35 U.S.C. § 154, which provides, in relevant part:

(d) Provisional Rights.—

(1) In general.— In addition to other rights provided by this section, a patent shall include the right to obtain a reasonable royalty from any person who, during the period beginning on the date of publication of the application for such patent under section 122(b), or in the case of an international application filed under the treaty defined in section 351(a) designating the United States under Article 21(2)(a) of such treaty, the date of publication of the application, and ending on the date the patent is issued –

(A)(i) makes, uses, offers for sale, or sells in the United States the invention as claimed in the published patent application or imports such an invention into the United States; or (ii) if the invention as claimed in the published patent application is a process, uses, offers for sale, or sells in the United States or imports into the United States products made by that process as claimed in the published patent application; and

(B) had actual notice of the published patent application and, in a case in which the right arising under this paragraph is based upon an international application designating the United States that is published in a language other than English, had a translation of the international application into the English language.

Please respond by letter or email indicating your intention to cease & desist from the use of the trademark Agent Match, or any confusingly similar trademark, within ten (10) calendar days. Additionally, please acknowledge that you have received notice of the publication of the above-referenced patent application.

We hope that this issue may be resolved this way so we can avoid any further legal remedies as provided by state and federal law.

Very truly yours,



Christopher R. Miller
General Counsel