

CAYMAN BUSINESS SYSTEMS

8466 Lesourdesville-West Chester Road • West Chester • Ohio 450691929

QUALITY ASSURANCE ENGINEERING & BUSINESS SYSTEMS INTEGRATION

<http://www.16949.com> • (513) 777-3394 • marc@16949.com

2000-11-17

Cayman Systems, Inc.
296 Concord Road
Billerica, MA 01821

Peter Vicars - President, CEO
John Stephens - Founder, CTO

Gentlemen:

I had originally intended to respond to your lawyers. However, all things considered I believe directing my response to you will ensure you know the situation directly without bias. I'm a little guy. You two fellas are undoubtedly multi-millionaires. If you still feel you want your lawyers to whip the butt of a little guy like me – well, so be it. On with the show!

McDermot, Will & Emery
28 State Street
Boston, MA 02109

Re: Your letter dated 7 November 2000

Ms. Elizabeth Levy:

I received your demand letter this morning, 14 November 2000.

As my bank records and IRS filings evidence, in 1989, apparently 1 year after your client obtained their trademark, I started my consulting 'company' (me), named Cayman Systems. This was done pursuant to Ohio law at the time. I chose the name Cayman because it was a dream to be able to retire there. I chose the name Systems because the consulting I do is systems – the way companies do things. How they set up purchasing functions. How they set up and manage nonconformance systems. How they control documents. I am a big believer in systematic operations. I require all systems to be flow charted with interactions mapped. Thus – I began using the company name of Cayman Systems. At that time I did not know there was a company called Cayman Systems other than mine.

My company name is now Cayman Business Systems – I changed from using Cayman Systems about a year ago to better describe my business services. Since 1989 I have been consulting in business systems **totally unrelated** to the field of computer / electronic hardware / software. I find it quite hard to believe that anyone would confuse my consulting services with your client's business product and/or services. Your letter states: "It is our belief that your use of the "Cayman Systems" and "Cayman" marks is likely to cause confusion, mistake or deceive users of our client's broadband access services about the origin of those services." This is just plain silly and goes to show how litigious the nation has become. I deny that anyone would be confused – I do not compete with your client in any way, shape or form and my products are totally unrelated to yours. Cayman Business Systems provides consulting services to companies which need to comply with national and international requirements such as ISO 9001. I do not sell computer equipment. I do not even provide advice on computer systems or anything related to computers, either hardware or software, as any of my clients will surely testify. As far as deceiving folks, again not likely. I have never, ever in any way implied by design or otherwise, said, written or in any way communicated to anyone that Cayman Business Systems had or has any relationship of any kind with Cayman Systems, Inc. - the router company.

Cayman Business Systems

In all the years I have been DBA Cayman Systems, and more recently Cayman Business Systems, I have only had one person contact me who was trying to reach your client. That was on **13 November 2000**. The day before I received your letter. A man called who said he was trying to contact someone at Cayman Systems. I can't remember the exact words, but I know it didn't take but a sentence or 2 to realize he wasn't interested in business standards compliance consulting and I asked him if he was looking for the company that makes the routers. He said yes. Maybe that was a member of your firm checking to see if I in any way 'trade' on your client's business name. I told the person I thought your client could be reached at Cayman.com but I was guessing (I did just check and I did give him the correct information). Prior to this call, and now your letter, I had never even thought of anyone ever connecting our two companies in any way. Having never before had anyone telephone, e-mail, write me or in any way communicate with me in error thinking I was your client or related to your client in any way, I really don't see an argument that that I am in any way confusing or deceiving anyone. It seems quite surprising that after all these years someone contacts me a day before I receive your letter who is seeking your company. Maybe you're setting up evidence of confusion – I don't know, but this is plain silly – pure and simple. Your client's name has sure never gotten me a dime of business, nor would I expect it to.

You say an internet search using 'common searching techniques' with the search word Cayman leads to my web site. Gee, and what else does the search lead to? I am not the only 'item' that pops up in an internet search for the word Cayman. If your client wants to ensure that all 'common searching techniques' only turns up their site, I suggest they have a long way to go. A search on Google for Cayman yielded over 20 pages (I stopped at 20 pages – I'll bet like in AltaVista there's 80 or more pages of results) of results. AltaVista yielded over 80 pages of results. Northernlight gave over 350,000 listings. All using 'common searching techniques'. My site has been on the internet since January 1996. Five years have passed and now you complain. Because my site comes up in a search using 'common searching techniques' for the word Cayman, along with hundreds of thousands of others, doesn't seem like such a big deal to me unless you're threatening to sue one hell of a lot of companies and people.

My web site went live in January 1996. It was registered as QS9000.com. That was the compliance specification I specialized in. I have a newer domain name which reflects the 'latest' automotive spec ISO/TS 16949, but QS9000.com is still active. If you take the time to visit the site you will see there is nothing which imitates your site or in any way even begins to connect my business consulting in any way to your company. I have copies of the entire history of the site changes and at no time in its existence did it in any way do this.

As I go through my materials and my web site I will ensure any references to Cayman Systems are changed to read Cayman Business Systems. I have some graphics and things to re-do and I plan to 'revamp' the site during December. This should be completed by the end of December 2000.

I will continue to DBA Cayman Business Systems. Your demand and threat of suit is frivolous and you know it. Yet, I don't doubt you will sue me. I'm a one person company with few assets (heck, I bet you spend as much on lunch every day as I spend on groceries for a week or two) so I won't even have a lawyer – I can't afford a lawyer – but I'll show up in court and represent myself as best I can. If I in any way was trading on your client's name I could understand their concern. Since I sell 'apples' and your client sells 'oranges', not to mention that I have been DBA Cayman Systems (more recently Cayman Business Systems) for over 12 years, this is just silly.

To be honest, I believe your statement "It is our belief that your use of the "Cayman Systems" and "Cayman" marks is likely to cause confusion, mistake or deceive users of our client's broadband access services about the origin of those services." to be accusatory and defamatory. It is in no way true and you know it. If you don't, you're sure not worth what you're being paid.

Regards,



Marc T. Smith