

Noble Ape Intellectual Property

Mon, Jun 5, 2017 at 7:10 AM

Tom Barbalet <barbalet@gmail.com>

It has come to my attention that your organizations are promotion a tour using intellectual property that I have owned for more than twenty years. June 13, 2017 will mark twenty-one years of continuous development. Noble Ape has been used in commerce throughout this period including but not limited to:

live and recorded performances (including some owned and copyrighted by Apple), musical recordings, spoken audio recordings, books, including: <https://www.amazon.com/Original-Manuals-Noble-Ape/dp/1257502433/>

t-shirts and other promotional items, and, academic publications.

I am not clear how your organizations could have not found my substantial intellectual property when you first considered using the term Noble Ape to promote your tour given a basic internet search would show me as the owner of nobleape.com:

Domain Name: NOBLEAPE.COM Registrar: NETWORK SOLUTIONS, LLC. Sponsoring Registrar IANA ID: 2
Whois Server: whois.networksolutions.com Referral URL: <http://networksolutions.com> Name Server:
NS.NOCDIRECT.COM Name Server: NS2.NOCDIRECT.COM Status: clientTransferProhibited
<http://www.icann.org/epp#clientTransferProhibited> Updated Date: 30-may-2015 Creation Date: 30-jun-2001
Expiration Date: 30-jun-2017

Which shows I have owned and used since June 30, 2001, to promote my intellectual property under the name, Noble Ape. Also a Wikipedia article indicating my substantial intellectual property:

https://en.wikipedia.org/wiki/Noble_Ape

Which also explains Apple and Intel's use of Noble Ape.

The lack of intellectual property due diligence is staggering to the point where I can not imagine your multiple organizations not finding my intellectual property when you initially considered using the term Noble Ape to promote your tour.

As your actions have already diluted my intellectual property, I am already suffering damage due to, at best, your organizations' ineptitude. Now you have been made aware of my intellectual property what do you propose to do about this situation?

As I made clear with my precursory phone communication (June 2, 2017), it is your responsibility to do due diligence not my responsibility to communicate with other multiple parties. Please feel free to forward this email on to others rather than requesting I do anything more to inform you of the situation outlined in this email.

I require a response by 5pm PDT, Friday, June 9, 2017. I can't allow the damage to my intellectual property to go on indefinitely.

Another fact you could have acquired through due diligence, for many years I was the Chair of the International Game Developers' Association's Intellectual Property Rights Special Interest Group. I have access to a substantial number of IP attorneys who I have worked with cordially for many years.

Let's not let this situation digress any further. Regards, Tom Barbalet.