



Re: Re: Facebook Warning

Monday, February 28, 2011 5:05 PM

From: "The Facebook Team" <ip+uxwzx0u@support.facebook.com>
To: jamesbertini@yahoo.com

Hi James,

Thank you for your prompt response. Please be aware that the Facebook Page was removed because of a report of trademark infringement. Therefore, we will be unable to process your counter notice as it is not applicable. If you have not already, we suggest that you reach out to the complaining party to discuss the issue with them. If both parties agree to restore the reported content, please ask the complaining party to contact us via email with a copy of the agreement so that we can refer to the original issue. We will not be able to restore this content to Facebook unless we receive explicit notice of consent from the complaining party.

Thanks for contacting Facebook,

Audrina
User Operations
Facebook

-----Original Message to Facebook-----

From: James Bertini (jamesbertini@yahoo.com)
To: The Facebook Team
Subject: Counter notification for Denver Urban Homesteading

Facebook,

Here is a counter notification letter sent to you in accordance with the terms of the Digital Millennium Copyright Act.

An actual copy of the letter with my original signature is attached to this email, and for convenience the same letter is pasted below and copied as a Word file.

James Bertini
Attorney-at-Law
415 Kalamath Street
Denver, CO 80204
303 572-3122

February 28, 2011
Sender Information
JAMES BERTINI
Attorney-at-Law
415 Kalamath Street
Denver, CO 80204
303 572-3122
jamesbertini@yahoo.com

Recipient Information
FACEBOOK
By email to ip@facebook.com, ip+uxwzx0u@support.facebook.com
By fax to 650-644-3229

EXHIBIT C

DMCA Counter Notification
re DMCA Notice Submitted by DERVAES INSTITUTE received on February 14, 2011

Dear Facebook:

I declare, under penalty of perjury, that I have a good faith belief that the complaint against me and/or my company Denver Urban Homesteading of copyright violation/infringement is based on mistaken information, misidentification of the material in question, or deliberate misreading of the law.

My contact information is as follows:
JAMES BERTINI, 415 Kalamath Street, Denver, CO 80204, 303 572-3122
jamesbertini@yahoo.com

The Domain Name Affected was the Denver Urban Homesteading Facebook fan page.

In consideration of the above, demand is hereby made by James Bertini, owner of Denver Urban Homesteading and the associated Facebook fan page, that all material removed or disabled from the Facebook as a result of the above referenced DMCA Notice, which was submitted by Dervaes Institute on or about February 14, 2011 and executed by Facebook on February 14, 2011 be restored as provided by Title 17 USC 512(g)(2)and(3).

I anticipate that you will act accordingly in ensuring that all of the material, detailed below, will be able to be restored within a minimum of ten business days and a maximum of fourteen business days as per Title 17 USC §512(f)(2) of the Digital Millennium Copyright Act from the time that you forward this Counter Notification to Dervaes Institute which you are now required to do promptly.

The material that has been disabled or removed and that I am now demanding to be restored on the Facebook is as follows: Facebook fan page for Denver Urban Homesteading

I consent to the jurisdiction of the federal district court for the judicial district in which my address is located. I consent that I will accept service of process from the person who provided notification or an agent of such person.

My actual signature follows:

JAMES BERTINI

-----End Original Message to Facebook-----
