



dazzlesmile and Optimal Health Science Extend Cease and Desist – Google, Yahoo! and Bing’s Contributory Liability Alleged

SALT LAKE CITY, October 22 – dazzlesmile, llc and Optimal Health Science, LLC, collectively referred to as “dazzlesmile™” www.dazzlesmile.com – the trademark holders of “dazzlesmile™” – earlier this week issued a Trademark and Copyright Infringement Cease and Desist to Epic Advertising AKA Azoogle.com, Inc., and Farend Services Limited, who is using the infringing name Dazzle Smile Pro and website www.dazzlesmilepro.com. The Cease and Desist has been extended to Google, Yahoo!, and Microsoft Advertising, which includes MSN and Bing -- as well as yet unknown Internet service providers (ISP’s) that are carrying the offending trademark and copyright infringing advertisements.

Search engine companies and ISP’s can be held liable for contributory and vicarious trademark and copyright infringement under The Lanham Act (15. U.S.C.), when the ads they carry conceal the advertiser’s identity such that a consumer is confused as to the source of the ad, even if just initially. Ads of that nature must be removed or taken-down when alerted to their presence. The \$32.4 million jury verdict in *Louis Vuitton Malletier, S.A. v. Akanoc Solutions, Inc. et al.*, levied in August of this year highlights the potential liability. Numerous, recently filed cases against Google and other search engine providers for contributory trademark infringement are now progressing through the courts.

dazzlesmile™ has been marketed in the US since 2004 as a consumer teeth whitening system, consisting of proprietary and patent-licensed mints, toothpaste and mouth wash. dazzlesmile™ products consist, in part, of FDA regulated over-the-counter (OTC) ingredients and are manufactured in an FDA approved facility. dazzlesmile™ also conforms to FDA and Federal Trade Commission (FTC) prescribed package labeling.

Source: dazzlesmile, llc and Optimal Health Science, LLC