**Attention Internet Service Provider:**

This letter is written in response to your notification of a complaint received concerning my web site.

<http://www.hautornotpets.com>

My response to this complaint is as follows:

**Allegations of Infringed Material**

**The claims of Infringement should be rejected because:**

No infringement has taken place, the original concept, and all work done on Haute or Not the during the nearly one year the blog was hosted on PetMD as <http://www.petmd.com/blogs/hauteornot> was done by its owner and creator myself, Rick Tamargo.

I created the, blog name, the style, and the voice of Haute or Not, and brought it to PetMD via one of its original founders Wanita Burnett, where it was hosted by, but never owned by PetMD. I was not “a blogger at PetMD” In fact I was never an employee of, nor under contract to PetMD.

 The blog pages were created and the site went live, all under my direction and supervision. All blogs, features, and articles were written by me, in my words and are my intellectual property. All sourcing of product for testing and review was done by me. All interviews of writers, designers and celebrities were conducted by me, and subsequent features and articles written by me. I also own the copyright to the photos of the animals featured in the “Meet the Contributors” section of <http://www.petmd.com/blogs/hauteornot>.

**Allegations of Copyright Violation/Digital Millennium Copyright Act**

**The Claims of copyright violation should be rejected because:**

The entire design was not copied in design and layout and those issues have been addressed by Katie Brown, the owner Go Fresh Designs in her response to the complaint.

I did not copy the name “Haute or Not” as I am the one who created it for this use. Further short phrases such as “Haute or Not” are not protectable by copyright, and the words “Haute or Not” are currently not trademarked. The expression “Haute or Not” is not protected by PetMD under common law based on the argument that “its first use in commerce is early 2009”. There are many examples of that phrase used in commerce prior to 2009, and currently in use today.

Including the following <http://blog.hotornot.com>... http://handbagdujour.com/2010/05/haute-or-not-the-herve-leger-geometric-clutch/... <http://whatshaute.com/index.php/category/fashion/haute-or-not-fashion/>.

In conclusion, I respectfully request you re-enable my website [www.hauteornotpets.com](http://www.hauteornotpets.com) a domain name owned by me, as soon as possible after your review.

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

Responder Owners Contact Information

Rick M Tamargo

10 SW South River Drive. #2007

Miami, Florida 33130

email rick@hauteornotpets.com

Tel: 305-505-1144

I hereby consent to the jurisdiction of Federal District Court for the judicial district in which I reside (or, if my address is outside the United States, any judicial in which you, the ISP, may be found).

My actual or electronic signature follows:

Rick M Tamargo

Having received