

EXHIBIT C

IP Law News

New 3M N95 Trademark Suit Targets Include Florida Lawyer (1)

By Blake Brittain

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- 3M trademark defense aims at Indiana man's 'Easter gift'
- Attorney accused of 'confusing and deceiving' about N95 sales

3M Co. filed four more court complaints alleging various entities infringed its trademarks by advertising price-gouged N95 respirator masks, including one against a Florida law firm that it said falsely claimed to be a "3M Escrow Attorney."

King Law Center, Chartered offered to sell the Florida Department of Management Services' State Emergency Operations Center 5 million N95 masks at more than 460% of 3M's list price, 3M said in Orlando federal court.

3M has gone after sellers offering its N95 masks at inflated prices to government entities during the Covid-19 crisis, suing under federal trademark law in multiple states.

King Law Center's owner Sharon King Dudley allegedly told the Florida agency that she could draft an "escrow agreement" with 3M for the masks, falsely representing that 3M had a procurement process that required an escrow agent.

"Defendant is not an authorized distributor of any of 3M's products and has no right to use 3M's trademarks," the complaint said. "Nonetheless, to confuse and deceive the SEOC, Defendant claimed that 3M had implemented intricate procedural steps that required the SEOC to engage Defendant as an escrow attorney and deposit SEOC funds into an escrow account if the SEOC wanted to buy 3M masks."

King Law Center didn't immediately respond to a request for comment.

3M also sued two other companies, 1 Ignite Capital LLC and TAC2 Global LLC, in Florida federal court Thursday for separate attempts to sell price-gouged N95 masks to Florida government entities.

TAC2 told Bloomberg Law it “categorically” denies 3M’s allegations, and that it bought N95 masks through a global distributor.

“Given the extremely long lead times to get this product domestically, we sought an overseas supply for agencies interested that ensures quality while prioritizing time of delivery,” TAC2 said. “It is the only supply of 3M branded product that we have been able to find that can be procured and delivered quickly and ethically.”

TAC2 also said it has been “open and transparent” about the reasons for its pricing—which include the cost of financing and transport—with its customers.

“Our team has been very cognizant and cautious with our pricing and given the level of justified scrutiny in the current environment we have quoted the product to all customers at the same fixed price,” TAC2 said.

In Indiana federal court, 3M sued Zachary Puznak on Thursday for offering to sell the state between 100 million and 5 billion N95 masks as an “Easter gift” for a total price of “approximately \$285 million to \$14.25 billion.” 3M said its “current annual global production of all 3M N95 respirators is 1.1 billion – 3.9 billion fewer” than the number that Puznak offered to Indiana.

Puznak allegedly accused Indiana of “paranoid irrationality” when it questioned his affiliation with 3M.

The Orlando federal court also granted 3M a temporary restraining order Thursday against Getfico LLC to stop it from misusing 3M’s trademarks “in light of the COVID-19 global pandemic and the harm that could occur should fraudulent masks be introduced by Defendant into the public.”

A California federal court also granted 3M a temporary restraining order against Rx2Live LLC on Thursday.

The other defendants also didn’t immediately respond to a request for comment.

McDermott Will & Emery LLP represents 3M in Florida. Faegre Drinker Biddle & Reath LLP represents 3M in Indiana.

The cases are 3M Co. v. King Law Ctr., Chartered, M.D. Fla., No. 6:20-cv-00760, complaint filed 4/30/20, 3M Co. v. 1 Ignite Capital LLC, N.D. Fla., No. 4:20-cv-00225, complaint filed 4/30/20, 3M Co. v. TAC2 Glob. LLC, M.D. Fla., No. 8:20-cv-01003, complaint filed 4/30/20, and 3M Co. v. Puznak, S.D. Ind., No. 1:20-cv-01287, complaint filed 4/30/20.

(Updated with response from TAC2.)

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