

 **chic fil e stine**
1 message

Bo Muller-Moore <bo@eatmorekale.com>

Lee Dunkelberg <lee@dunkelberg.com>
To: Bo@eatmorekale.com

Wed, Mar 28, 2012 at 9:49 PM

When I first saw your slogan, I knew it bore no connection to the entity with the waffle fries I used to love.
When I first saw the chicken company's slogan I wondered to myself - "Self, do you think they squared that with the old "Eat More Beef" campaign that was on bumper stickers throughout Texas years ago?"
I thought it was cute, though.
It's not cute anymore.

Lee Dunkelberg
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Bo Muller-Moore <bo@eatmorekale.com>

 **A letter to CFA**
1 message

RuthK <mezzoishere@gmail.com>
To: "bo@eatmorekale.com" <bo@eatmorekale.com>

Wed, Mar 28, 2012 at 9:54 PM

When I heard of Eat More Kale, never once in my wildest dreams did I even think of Chick-fil-a. You sell chicken. Kale is a vegetable that I eat in salads. I loves the slogan, because to me it meant lets eat more kale.

I think you should quit the bullying, and leave Eat More Kale" alone.

-Ruth

Sent from my iPad

Bo Muller-Moore <bo@eatmorekale.com>

 **Eat More Kale**
1 message

Judy Alison <jalison@spud.net>
To: bo@eatmorekale.com

Wed, Mar 28, 2012 at 9:37 PM

Dear Bo,

Though I live in Eugene, Oregon now, I am from Atlanta and I used to love going to Chick Fil A. During a recent layover in Atlanta, I went with a friend to the East Point restaurant for the first time, and thoroughly enjoyed a nostalgic sandwich with a friend who used to hang out there when she was in high school.

I have considered your plight, and quite frankly I am insulted by Chick Fil A's position that their customers are confused by your using the slogan Eat More Kale, as if somehow I cannot distinguish between a funny ad campaign with intentional misspellings by cows and the excellent advice to eat more of a healthy vegetable. Now that I think about it, I am probably more confused by the misspelled "chikin" than by seeing Eat More anything.

While I appreciate their effort to protect their brand identity, this appears more like bullying than a meaningful legal issue. I wish you success in your efforts.

Blessings,

Judy Alison

Bo Muller-Moore <bo@eatmorekale.com>

Fwd: To the Federal Lawyer involved in reviewing the EatMoreKale.com / Chick-fil-a dispute

1 message

Kate Merritt Davis <kate@katemerrittdavis.com>
To: Bo Muller-Moore <bo@eatmorekale.com>

Wed, Mar 28, 2012 at 9:56 PM

Hi Bo,

I already copied you on my email to CFA's lawyer today, but here is the note I sent with it to the Fed Trademark office. If you still need a separate note, I will be happy to write one.

(I did get a reply from the persons who checks that email and was informed it was being sent to the correct attorney, but I have not heard anything else.)

Best,
Kate

Begin forwarded message:

From: Kate Merritt Davis <kate@katemerrittdavis.com>
Date: March 28, 2012 12:44:08 PM CDT
To: TMFeedback@uspto.gov
Subject: To the Federal Lawyer involved in reviewing the EatMoreKale.com / Chick-fil-a dispute

To the Federal Trademark Office,

Because I cannot locate the name of the lawyer who is reviewing this trademark dispute, I will ask that my thoughts on this matter be forwarded to the appropriate person(s).

As indicated in the following emails to the Chick-fil-a Corp. and its lawyer, Ms. Auma N. Reggy, I just wanted to say this argument about confusion between artwork and fast food is completely and utterly ridiculous. To allow such manipulation and **bullying by the Chick-fil-a corporation is shamefully un-American**. This artist's product design deserves its own protection, and is clearly not confusing for the public. The products also do no overlap industries. Why should there even be a dispute?

The preliminary ruling that the unique "Eat More Kale" design will likely cause confusion with the very uniquely spelled and rendered "Eat Mor Chickn" slogan is an insult to our intelligence! We can tell the difference, and most of us would have never seen both of these - only recent press has made it apparent to those outside of the others' market. Normal, everyday people from both markets are siding with the little guy, not the greedy corporation because it is so obvious that this is not right! **This ruling should not be upheld!**

Please do not encourage or empower Chick-fil-a in the invention of its unjust imaginary threats by retracting the preliminary ruling.

Sincerely,
Kate Davis
Birmingham, AL

Begin forwarded message:

From: Kate Merritt Davis <art@katemerrittdavis.com>
Date: March 28, 2012 12:00:04 PM CDT
To: auma.reggy@agg.com
Bcc: Bo Muller-Moore <bo@eatmorekale.com>
Subject: Invented and imagined threat from Eat More Kale

Dear Ms. Auma N. Reggy,

The following message was originally sent to Chick-fil-a, but as part of the legal team, I wanted to include you on my thoughts about this **invented threat** that your client is so determined to block. I am ashamed at the nature of this situation and the nonsensical, greedy behavior from your client, as I have been a regular customer for a number of years. I do not work as a lawyer, but - good grief - what a shameful case to be involved in. I don't know how you sleep at night picking on hard-working Americans for a company with so-called "Christian" values. Those values sure aren't evident here! What we see is GREED masquerading behind an imaginary threat. Chick-fil-a's profits are not at risk, and you all know it. This is simply bullying for the sake of being arrogant jerks. We do not like it.

Chick-fil-a has no right to assume ownership over the "eat more" ___ phrase, only as it relates to its chicken, its unique misspelling, and the design of the font in which it is rendered. Besides, it is a rip off of "Eat Mo' Possum," among other sentiments from decades past. Will we suddenly not be allowed to use a black and white cow as a mascot for some other business? I mean, what if a dairy dared use its own livestock as inspiration for a design? Would I think I'm buying Chick-fil-a milk? The answer is simple, "No." It's actually the reverse, since Chick-fil-a uses a cow to advertise a non-bovine product. And yet somehow the public has figured it out. We just aren't that

dumb, as much as your client and your advisers would like to pretend. We can deal with coincidences and contradictions in life.

I would suggest you advise your client that **pursuing this case** (blocking Mr. Muller-Moore's trade mark on his artwork AND the cease and desist for his operation) **is the threat to Chick-fil-a's customer base**. To be clear, we are sick of the bullying of this artist and will continue to (and expand the) boycott if this persists. Before this came up, most folks in the South, CHick-fil-'s home, had no idea about the designer. Well, now we do, and as it turns out, he lived here once, too. He's one of us. So now you are not just picking on a guy in VT, it's a guy who used to work down the street from me. Whose family still lives here. Should we really sit by and watch you push and shove him and his business and not get pissed at the arrogance on display from your client? No! We supporters are speckled all over the Chick-fil-a market areas with our cute shirts and green stickers and social media, and we are not afraid to say what we think. Having Chick-fil-a essentially tell us we can't have something because we will be confused? Guess what? We will just resent that insulting assault on our intelligence and throw even more support behind this guy!

Chick-fil-a has got to lay this argument down and stop being a greedy jerk. Seriously.

Without further adieu:

"I am very disappointed in the corporate handling of the EatMoreKale.com trade mark case. You should be ashamed of yourselves. You are turning off your own customers over an issue that is NOT infringing on your market in any way, except that YOUR lawyers are making us angry about it. YOUR corporate lawyers are the ones infringing on the public at large (including your customers) by essentially telling us we are DUMB and would be easily confused between your slogans, and trying to stop us from enjoying a t-shirt that has nothing to do with your restaurant, chicken, or the like. That is ridiculous! There is not a threat except the one you are creating. You should stop the nonsense bullying.

You are sending very mixed messages to your clients about your values - are you a love they neighbor type or a GREEDY jerk? I know I speak for MANY people with the same mindset who DO live and travel in your markets who value the hard work of small business and WILL boycott your business because of this.

Please leave Mr. Bo Muller-Moore alone. Believe it or not, your customers and market base are NOT idiots (we do know the difference between products and can even enjoy BOTH), we CAN spell, and we know a BULLY when we see one!"

Sincerely,

Kate Davis
Birmingham, Alabama

Bo Muller-Moore <bo@eatmorekale.com>

 **CFA vs EMK**
1 message

Lisa Pettineo <lisapettineo@yahoo.com>
To: "bo@eatmorekale.com" <bo@eatmorekale.com>

Wed, Mar 28, 2012 at 9:58 PM

dear Bo and chick fil a,

I really like your chicken, chick fila. Your food is quite delicious. As a matter of fact, at work we seemed to have a chick fil a sauce problem. We talked about it all the time. Fried chicken with pickles and a BBQ style mustard sauce? What's not to love.

Well, i'll tell you what's not to love. The lack of courtesy towards a small company called "eat more kale". A small guy silk screening tshirts is not really affecting your fried chicken business is it? Do you honestly think that? I thought you were a Christian based business. You are even closed on Sunday's. Well, is this how a Christian does business?

I am shocked at your corporate lawyers and I find it very disappointing that you are making him stop selling his merchandise and telling him to shut down his business.

The only thing you are accomplishing is that you are looking like a fool, and making Bo famous. The more famous you make him, the sillier you look.

Leave him alone. There is plenty of money in the world to go around, God wants everyone to be prosperous. As a matter of fact, you should display a shirt of his in your restaurants, as well as other "eat more" items and take heart that you are bigger then them and there is room for everyone.

This letter makes me sound like a mother scolding a child. So quit acting like a child.

As it stands I will respectfully not ever purchase another food item from your company.

Sincerely,
Lisa Pedone

Bo Muller-Moore <bo@eatmorekale.com>

 **Kale loving chicken fan**
1 message

Chuck <wlgfur1@yahoo.com>
To: "bo@eatmorekale.com" <bo@eatmorekale.com>

Wed, Mar 28, 2012 at 10:00 PM

I rock an EMK sticker on my car out here in Oregon, but being from Alabama I love my chicken! It's bad enough that they are closed on Sunday's...I need no religion in my fried chicken, hating on gays was awful, but messing with Bo is where I draw the line, good thing Popeyes rocks!!

Sent from my iPhone

 **EAT MOR CHIKIN vs. EAT MORE KALE**
1 message

Bo Muller-Moore <bo@eatmorekale.com>

LeAnn Baker <leannsbaker@aol.com>
To: Bo@eatmorekale.com

Wed, Mar 28, 2012 at 10:03 PM

I love Chick-Fil-A and I love my EAT MORE KALE bumper sticker, but I must say that I am stunned by CFA's issue with the EAT MORE KALE slogan ... so much so that I am boycotting CFA and I am encouraging my friends to do so as well.

I can easily tell the difference between EAT MORE KALE and EAT MOR CHIKIN. No confusion here! In fact, I asked my six year old grand-niece and she was not confused either. Kale does not equal chikin! Kale is green and leafy and chikin is ... well, I'm not exactly sure what chikin is!

EAT MORE KALE is in the same vein as, let's say, EAT MORE VEGGIES, 'cause they're good for you! It has nothing to do with eating that chikin stuff! Now that I think about it, I don't think I want to eat something that I don't really know what it is.

The only word in the two slogans that is the same is EAT. This is just crazy!

I am hoping that CFA reconsiders!

LeAnn Baker
320 Smallwood Court
Wilmington, NC 28411
910-431-0041

Bo Muller-Moore <bo@eatmorekale.com>

 Eat More
1 message

Nick Didkovsky <nick@didkovsky.com>
To: Bo@eatmorekale.com

Wed, Mar 28, 2012 at 9:16 PM

I have eaten at Chick-Fil-A and can assure you that I am not even remotely confused by "Eat More Kale" versus "Eat mor Chikin".

I think I am of average intelligence and I believe that most people like me would be free of confusion. But just in case I can help someone who really is confused, here's how I do it:

I start by reading the first two words. "Eat More" versus "Eat mor"

See, as soon as I get to the misspelled "mor" I know that's supposed to be the cute Chick-Fil-A cows that are trying to get me to eat less beef and more chicken! haha!

So by the second word, the distinction has become razor sharp in my mind: "Eat More" is generic standard written English and "Eat mor" is a gag and a slogan that's supposed to be written by semi-literate cows.

It gets even clearer when you get to the third word: "Kale" versus "Chikin"

As soon as I see "Kale", I know that these are three words written in standard English promoting the consumption of kale. My mind drifts to kale and the last time I ate it, the texture, the flavor, and the idea that maybe I should eat it again soon. It's kale I am thinking about. Notice that my mind did NOT get confused and start thinking about Chick-Fil-A? I thought about kale because that's what the three properly spelled, grammatically correct words assert. My mind is completely clear because I read three words in standard English, spelled properly. There is no cute back story or humorous misspelling... it's a phrase written in standard English.

With the other phrase, when I get to the third word, I see it's "Chikin" misspelled. Haha - it's the cows again! The same ones that misspelled "mor". I get it, this is a phrase that, unlike the other, stands above literal interpretation by invoking a humorous back story about cows and misspellings in order to promote eating chicken at Chik-Fil-A instead of beef. It makes me think about cows writing, and eating at Chik-Fil-A and funny cartoons. Oh, and it does not make me think of ... Kale? No, why would it? No, not even close... this is the slogan that makes me think of cute cows and beef and the chikin misspellings,

Bo Muller-Moore <bo@eatmorekale.com>

M CFA Letter
1 message

Nicole Caldwell <nicolekaldwell@yahoo.com>
Reply-To: Nicole Caldwell <nicolekaldwell@yahoo.com>
To: "Bo@EATMOREKALE.com" <Bo@eatmorekale.com>

Wed, Mar 28, 2012 at 10:04 PM

Hey Bo,

Here's my note you can forward to CFA.

I'm not generally a fan of fast food (since I'm a vegetarian), but my family does (or did) like to come for breakfast at Chick-fil-a. I've always respected your company because it seemed to have values and standards, and care about promoting values to our children. However, I've been really disappointed since hearing about Chick-fil-a's actions against "Eat More Kale." I don't find this small business confusing or threatening to your company in any way, and I have much less respect for Chick-fil-a for trying to shut down the small business that makes the Eat More Kale shirts. I hope you'll reconsider your position on this issue.

 **Chicken and kale!**
1 message

Bo Muller-Moore <bo@eatmorekale.com>

Katie Welch <katw425@gmail.com>

Wed, Mar 28, 2012 at 8:51 PM

To: "bo@eatmorekale.com" <bo@eatmorekale.com>

I am a fan of cfa! I was pleased when one came to my area. They always provide me with a consistently fresh salad. However when I learned about the silliness of them saying a local based business was competition my interest was piqued. I do support many local businesses in Chattanooga TN where I live. I decided to give kale a try and love it! It makes a great addition to my smoothies and kale chips are great! One of the best things about our country is the ability to have small businesses. We should do everything we can to encourage not discourage them! I am not confused at all by chicken and kale. One is a leafy vegetable. The other is meat. The campaigns are not similar and I am not confused by the eat more kale campaign. I love chic-fil-a and I will continue to visit because it's healthiest fast food available. However I am disappointed in how they are handling this matter and the result could determine my continued patronage.

Katie Welch
Chattanooga Tn

Sent from my iPhone

Bo Muller-Moore <bo@eatmorekale.com>

 **Eating kale and chicken**
1 message

Robert Loy <robert.loy@gmail.com>
To: Bo@eatmorekale.com

Wed, Mar 28, 2012 at 8:52 PM

I love Chick Fil-A. They're about the only fast food restaurant where you can get something healthy, and their customer service is second to none. But I gotta be honest, it bothers me when they use their power and heir financial standing to annihilate small businessmen. It bothers me that Chick Fil-A thinks I'm not smart enough to tell the difference between their multi-million dollar ad campaigns and some guy in Vermont just trying to feed his family by expressing himself creatively. If Chick Fil-A hadn't (over)reacted with this lawsuit I never would have connected Eat More Kale with Chick Fil-A. I like kale and I like chicken. Don't make me choose between the two. I see no reason why I can't enjoy them both.

Yours,
Robert Loy

Bo Muller-Moore <bo@eatmorekale.com>

 **Former Chick-Fil-A customer**
1 message

Dina Frigo <dina.frigo@gmail.com>
To: Bo@eatmorekale.com

Wed, Mar 28, 2012 at 8:50 PM

Hi,

I used to be a fan of Chick-Fil-A when I was living in North Carolina, before going completely organic in my diet and lifestyle. I am shocked that Chick-Fil-A is reacting in this manner toward you and your small business. They have no case here. They should seriously back off and focus on their business, instead of going after you. You are not confusing anyone. I was never confused by "Eat More Kale".

I am a little confused however, as to how the folks at Chick-Fil-A have the resources to pursue a case that is completely illogical and out of line.

Sincerely,
Dina Frigo

Bo Muller-Moore <bo@eatmorekale.com>

 **No more CFA**
1 messageSteven Vann Newton <vann_newton@hotmail.com>
To: bo@eatmorekale.com

Wed, Mar 28, 2012 at 10:36 PM

Bo,

I am a carpenter. I get hungry. Until recently, I enjoyed, every once in awhile, driving early into town to the Chick-fil-a for their morning chicken biscuit, hash browns and a cup of coffee. It was a treat that I used to earn for myself and totally savor. You see, I try to eat really healthy, so my one fast food "guilty pleasure" was this Chick-fil-a meal. I eat it maybe ten or fifteen times a year. But when a friend from Vermont told me of your plight with the powers that be, at Chick-fil-a, I decided that due to the ridiculousness of their claims, and the bullying nature of a such a profitable corporation, that I could no longer bring myself to support them in any way. Rather, I would buy a t-shirt from you and show my support for that same independent entrepreneurial spirit that I admire in myself and some of my friends.

I am totally confounded, astonished and ultimately saddened that Chick-fil-a feels threatened by your "Eat More Kale" t-shirts. Even if Chick-fil-a had spelled the word "more" correctly, as you do, and even if they had spelled "chicken" correctly, it still would bear no resemblance, literally or figuratively, to "Kale" and could not possibly be misunderstood as an infringement on their "intellectual" property, especially since the implied meaning of their campaign is that the cows have spelled the words wrong and you show no visuals of cows at all. Therefore, in my mind, your "Eat More Kale" t-shirt is a keen reminder to me to eat healthy and a reminder to stay away from the unhealthy world of fast food.....and that my friend, I believe, is THE REAL THREAT to a corporation like Chick-fil-a. It may well be that they have no real fear that people are going to confuse the message of your shirt with their ad campaign, but, that people, like myself are going to take your message as a mantra to eat in a more conscious and healthy way. And that cuts into their profits and we both know what that equates to in the cut throat corporate world. I wish you luck in dealing with this situation.....but in this new America, that I have witnessed unfolding for the past 47 years, I don't feel very optimistic.

My best regards, and peace of mind to you Bo,
sincerely,
Steven Vann Newton

P.S Thanks for the wonderful custom t-shirt and stickers. Sometimes when I wear the shirt, people will give me this funny look and then look away, almost embarrassed like. I think they are afraid to ask me what Kale is!!

P.S.S If anyone from Chick-fil-a should read this.....I'll stop in and get another breakfast combo.....and quit convincing family and friends you're evil, greedy, corporate goons.....just as soon as you drop this frivolous lawsuit. Til' then.....ph*ck you bastards!

Bo Muller-Moore <bo@eatmorekale.com>

 **I'm not confused...**

1 message

Monica Mulder <mulder.monica@gmail.com>

Wed, Mar 28, 2012 at 10:31 PM

To: Bo@eatmorekale.com

This case continues to confound me. Does Chick-Fil-A think their customers are uneducated? That we couldn't possibly handle or understand that there is a difference between Chicken and Kale? If I read "Eat Mor Chicken" will I run to the store and buy some kale? If I read "Eat More Kale" will I go buy some Chick-Fil-A? Well, perhaps that would be a good thing for them wouldn't it? But that's not the case. Since I refuse to believe CFA really thinks their customers are so incompetent, I must say it looks like some serious corporate bullying for no reason but the fact that they can. This will backfire. Not many people know about the Eat More Kale shirts, but the ones that do, will certainly have a foul taste in their mouth at the thought of supporting a company that would put a small business owner out of business because they think they own the two English words "Eat More".

I for one will spread the word and will never eat CFA again unless this nonsense is dropped.

Sincerely, a former CFA customer,
Monica Mulder

Bo Muller-Moore <bo@eatmorekale.com>

 **CFA Letter from a former manager**

1 message

Ricky Miller <miller.ricky@att.net>
To: Bo@eatmorekale.com

Wed, Mar 28, 2012 at 10:51 PM

Dear CFA,

I'm a long-time "raving fan." I'm also a former manager of one of your busiest and most successful stores in the company (Central & Southwestern). I loved my time working for such an amazing company and a terrific Operator. I'd still be there today, but I moved out of state.

I have to say that as much as I respect and love the company, I'm appalled by your unfair and bully-like treatment of the small Vermont t-shirt company "Eat More Kale."

As a customer, I'm by no means confused by this company's name and your slogan. I would understand if he spelled incorrectly just like your slogan, or even if he was selling kale sandwiches next to a CFA, but this is getting insane. You might own "Eat Mor Chikin" but you most certainly do not own the words "Eat More."

I know that this company was founded upon Christian principles, and I believe that the Lord has protected you and granted you great favor and success over the years. I'm sorry, but threatening super-small businesses like Eat More Kale and putting them out of business doesn't seem to be very Christ-like to me. I understand that you feel that Bo Muller-Moore's company name is too close to your slogan, and that it confuses consumers. Give customers some credit! Do you honestly believe that your average consumer is that stupid? It's absurd. You don't even have to be intelligent to know they're not the same. It's common sense. Eat More Kale is not a threat to Chick-fil-A, and I think that deep down you know that.

Truett Cathy was at one time a micro-businessman just like Bo Muller-Moore. What if some giant corporation came along and bullied the Dwarf Grill out of business and crushed his dream over something ridiculous? This is one of the things that makes America great! -That if you are creative, work hard, and believe in yourself you can make it in this country. Please don't take that away from Bo Muller-Moore just because you can. It's not right. I know that Dan is running things now, but I can't help but wonder what Mr. Cathy (Truett) would do. I find it very hard to believe that he would want to put this little company out of business (especially over something as silly as this).

It's not too late to do the right thing. End this nonsense. Please don't lose a "raving fan" like me over this. I want to believe in you again. But if you don't drop the case against Eat More Kale you'll lose me for good, and my family and my friends. I'm sure that really doesn't concern you, because you have lots of other customers with money. But you're going to lose something far more valuable than me and my money. -It's integrity, goodness, decency, and respect that you'll lose. I want to believe that you're different from all of the other greedy companies out there. Please prove to me that you're different. Actions speak louder than words, Chick-fil-A. The ball is in your court.

Most sincerely,

Ricky Miller