

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

DEC 18 2023

TAMMY H. DOWNS, CLERK
By:  **DEP CLERK**
PLAINTIFF

MODERN STORAGE, LLC

V.

CASE NO. 4:23-cv-1199-BRW

**STORE LOCAL MEDIA CORPORATION,
D/B/A MODERN STORAGE MEDIA**

DEFENDANT

COMPLAINT

Plaintiff, Modern Storage, LLC, for its complaint against Defendant, Store Local Media Corporation, d/b/a Modern Storage Media, states:

PARTIES

1. Plaintiff Modern Storage, LLC (“Modern Storage”), is an Arkansas limited liability company with its principal place of business in North Little Rock, Arkansas.

2. Upon information and belief, Defendant Store Local Media Corporation, d/b/a Modern Storage Media (“Store Local”), is a Delaware corporation with its principal place of business in Newport Beach, California. Store Local does business throughout the United States as Modern Storage Media. Store Local can be served with this Complaint through its registered agent, The Corporation Trust Company, at Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801.

JURISDICTION AND VENUE

3. This is an action for trademark infringement and unfair competition under 15 U.S.C. § 1114, 15 U.S.C. § 1125, and Arkansas common law.

This case assigned to District Judge Wilson
and to Magistrate Judge Moore

4. This Court has personal jurisdiction over Store Local because it does substantial business in this forum, including regularly doing business in this District, deriving revenue from goods and services provided to individuals and businesses in this District, and selling and offering for sale goods and services in this District.

5. This Court has subject matter jurisdiction over Modern Storage's claims under 15 U.S.C. §§ 1116 and 1121 and 28 U.S.C. §§ 1331, 1367, 1338. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 because Store Local's unlawful conduct giving rise to Modern Storage's claims has occurred and is occurring in this District.

BACKGROUND

Modern Storage® Self-Storage Facilities

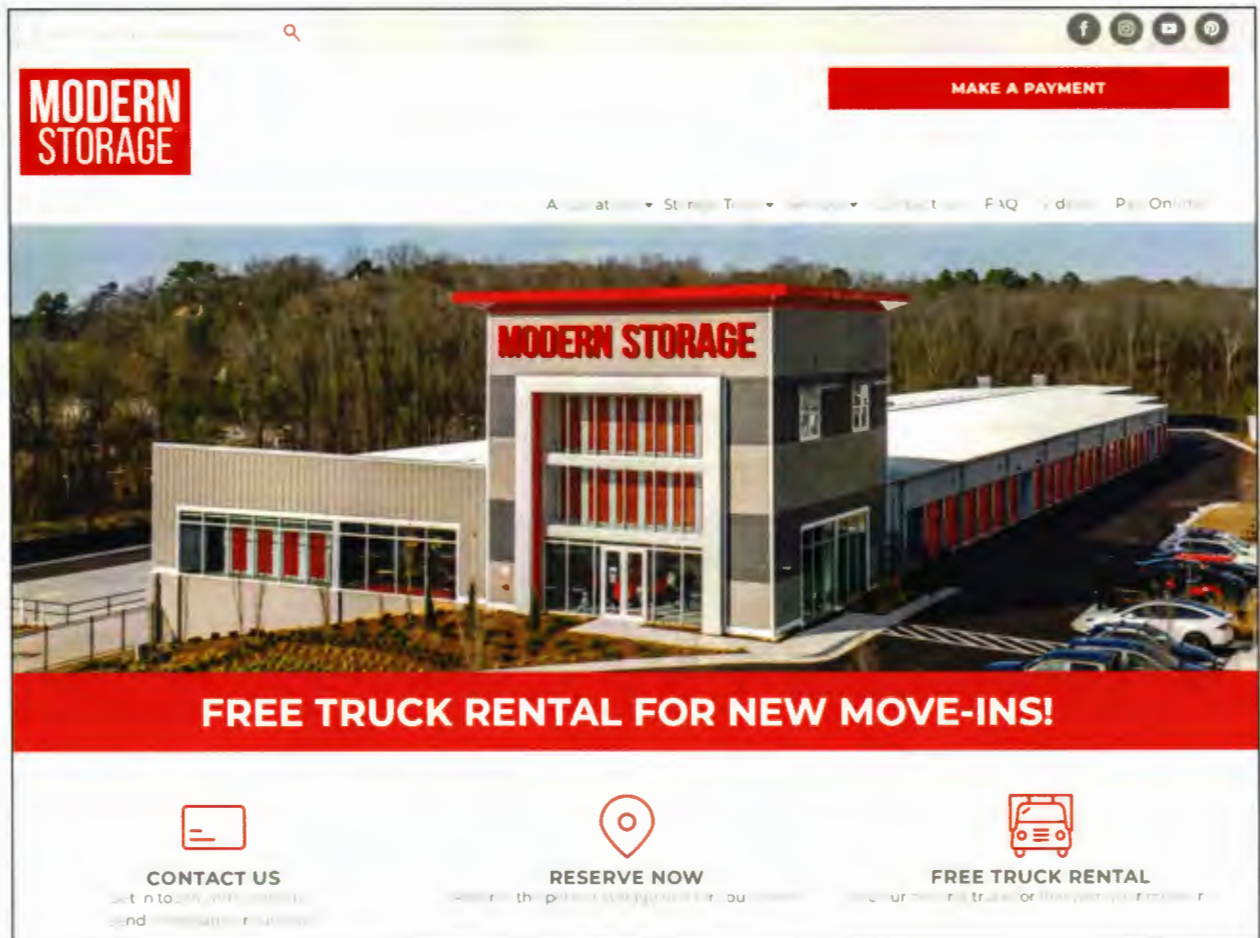
6. Modern Storage operates self-storage facilities in Arkansas. Modern Storage currently operates locations in Bentonville, Springdale, Maumelle, Little Rock, North Little Rock, Bryant, and Hot Springs.

7. Since March 2017, Modern Storage has been using the MODERN STORAGE® mark in operating its self-storage facilities.

8. Modern Storage is the owner of Federal Trademark Registration No. 7,052,447 for the MODERN STORAGE® mark as used in connection with providing self-storage facilities for others and retail store services featuring packaging and moving supplies. A true and correct copy of the federal trademark registration is attached as Exhibit 1.

9. Modern Storage has engaged in substantial marketing and promotion of the MODERN STORAGE® self-storage facilities. Modern Storage has and continues to market and promote its self-storage facilities by displaying the marks on its signs, on its website and social media accounts, and through earned media. Modern Storage directs prospective customers to its website through cost-per-click Google Ads.

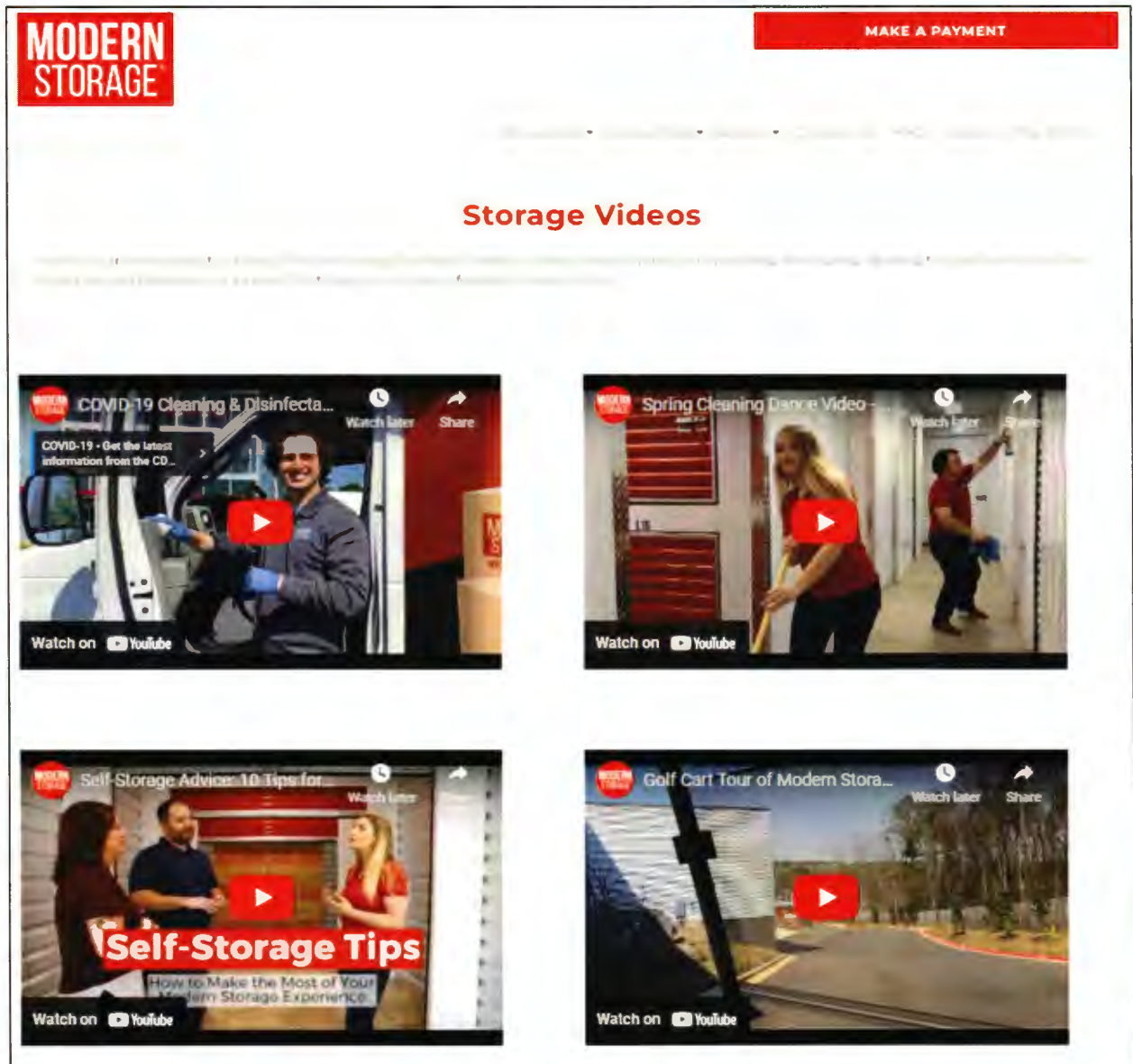
10. For example, Modern Storage uses the MODERN STORAGE® mark on its website to market and promote its storage facilities. Below is an excerpt of the landing page of Modern Storage's website showing the prominent use of the MODERN STORAGE® mark:



11. In addition, Modern Storage’s website includes numerous videos on self-storage topics, which are accessible at: <https://www.modernstorage.com/videos>.

12. Modern Storage states on the “Storage Videos” page of its website: “We’ve channeled our passion for storage into quality informative media. Enjoy!”

13. Below is an excerpt of the “Storage Videos” page of Modern Storage’s website showing the prominent use of the MODERN STORAGE® mark:



14. Through its extensive use of the MODERN STORAGE® mark, the MODERN STORAGE® mark has acquired great value as an identifier of Modern Storage’s facilities and services and to distinguish Modern Storage’s facilities and services from those of others. Significant goodwill and reputation are associated with the MODERN STORAGE® mark.

15. Modern Storage plans to open additional MODERN STORAGE® self-storage locations in the future, including outside the State of Arkansas, and continue to add new self-storage video content to its website.

Store Local’s Infringement

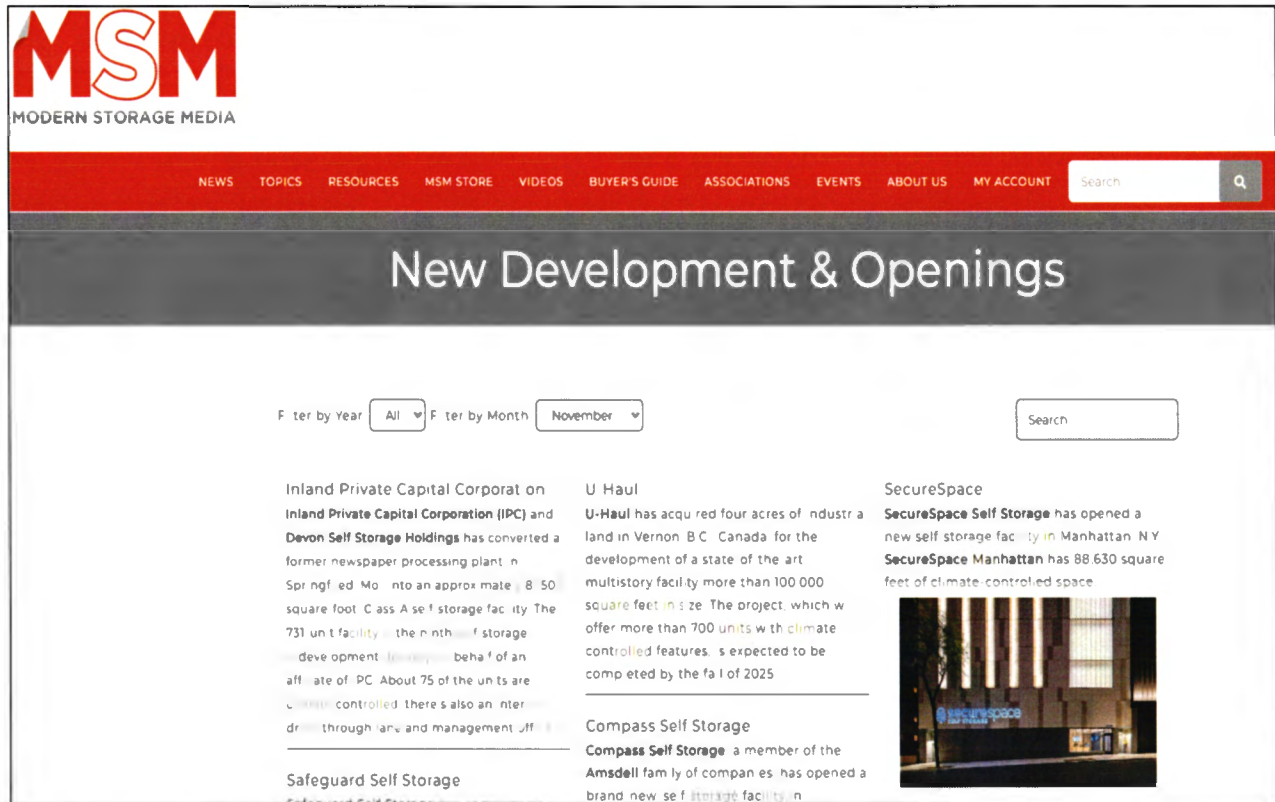
16. Upon information and belief, on or about March 1, 2023, MiniCo Insurance Agency LLC, sold its publishing division to Store Local, which included the “Mini-Storage Messenger” website and print and digital informational resources about the self-storage industry.

17. On September 6, 2023, Store Local issued a press release that “Mini-Storage Messenger” had been rebranded as “Modern Storage Media.” A true and correct copy of the press release is attached as Exhibit 2.

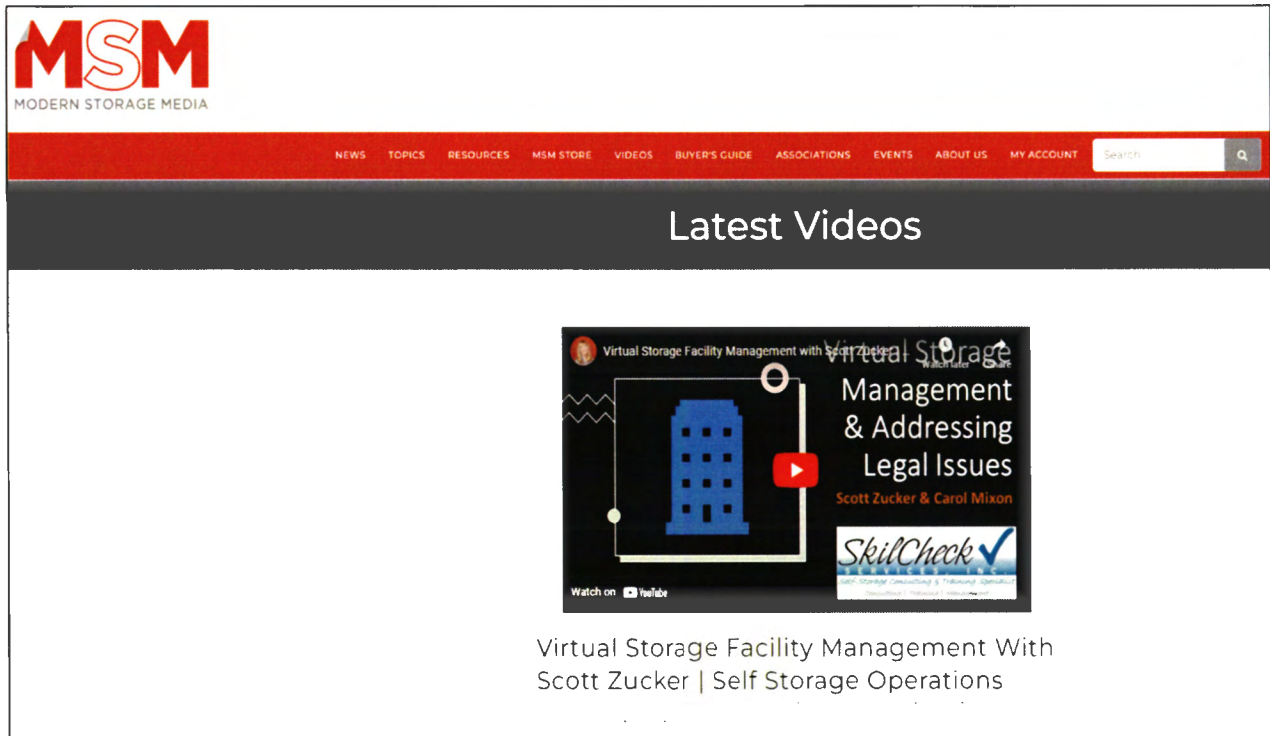
18. In the press release, Store Local abbreviates Modern Storage Media as “MSM” and states:

MSM is a media company that produces self-storage-specific media and publications, including its flagship magazine *Messenger* and the annual *Self-Storage Almanac*, the industry’s most trusted source of data. Visit www.modernstoragemedia.com for breaking industry news and numerous educational resources.

19. The Modern Storage Media website includes a page entitled “New Development & Openings.” The “New Development & Openings” page identifies new self-storage facilities that have recently opened in the United States. An excerpt of that page is shown below:



20. The Modern Storage Media website includes a page entitled “Latest Videos.” The “Latest Videos” page offers videos on self-storage topics. An excerpt of that page is shown below:



21. Without permission, Store Local has operated its website using the MODERN STORAGE MEDIA mark that is confusingly similar to Modern Storage's MODERN STORAGE® mark.

22. Store Local's website is accessible to individuals throughout the United States, including Modern Storage's customers and prospective customers.

23. Store Local's MODERN STORAGE MEDIA mark includes the words MODERN STORAGE, which makes up the entirety of Modern Storage's mark.

24. Store Local is aware, and has been aware, that the MODERN STORAGE® mark is registered and is the valuable intellectual property of Modern Storage.

25. On October 5, 2023, counsel for Modern Storage sent a cease-and-desist letter to Store Local's CEO, Travis Morrow. A true and correct copy of the letter is attached as Exhibit 3.

26. In the cease-and-desist letter, Modern Storage wrote: "It has come to our attention that Mini-Storage Messenger has recently changed its name to Modern Storage Media...Because Modern Storage began using the MODERN STORAGE mark many years before your company, Modern Storage has priority to the mark."

27. Modern Storage also wrote in the letter: "Modern Storage Media's use of the MODERN STORAGE mark is likely to cause confusion with Modern Storage's mark because the marks are nearly identical and because the goods and services offered under the marks are related to one another in the self-storage industry."

28. Modern Storage demanded that Store Local cease-and-desist from using the MODERN STORAGE mark.

29. On October 20, 2023, Store Local, through its counsel, responded to the cease-and-desist letter and refused to cease-and-desist from using the MODERN STORAGE mark.

30. On October 30, 2023, Modern Storage's counsel sent Store Local's counsel another cease-and-desist letter. In that letter, Modern Storage wrote: "Because Store Local's continued use of the MODERN STORAGE mark now

constitutes willful trademark infringement, Modern Storage again demands that Store Local cease-and-desist from using the MODERN STORAGE mark.”

31. Despite receiving the second cease-and-desist letter, Store Local has continued to use the MODERN STORAGE MEDIA mark that is confusingly similar to Modern Storage’s MODERN STORAGE® mark.

32. Store Local has capitalized on the valuable reputation and goodwill associated with the MODERN STORAGE® mark by using the MODERN STORAGE MEDIA mark in a manner that is likely to cause customers and potential customers to incorrectly believe that Store Local’s website and publications are associated with Modern Storage and the MODERN STORAGE® self-storage facilities and website.

33. Actual confusion between Modern Storage and Modern Storage Media has already occurred. A third party tagged Modern Storage in a post on LinkedIn believing that Modern Storage’s LinkedIn page was Modern Storage Media’s page. A true and accurate copy of the LinkedIn post is shown below:

STORSAFE StorSafe Self Storage ⋮
626 followers
1mo

Exciting News from the #StorSafe Family...
We're thrilled to share this wonderful feature by Modern Storage Media spotlighting the appointment of Nick Maslauski as our Vice President of Acquisitions and Strategic Analytics.
Residing in the vibrant community of #Evanston, Nick is a paradigm of innovation and strategic foresight. His remarkable proficiency has revolutionized the self-storage underwriting process, marrying technology and automation seamlessly to enhance our deal flows and acquisitions dynamically.
Read more about here: https://lnkd.in/ej_MPJCq
#Leadership #Innovation #StorSafeSuccess #BusinessGrowth
#StrategicAcquisition 🚀 🌐 🏠



People: New Hires & Promotions | Modern Storage Media
modernstoragemedia.com

👍👎👏 202 | 28 Comments

👍 Like 💬 Comment ➦ Share

34. In addition, third parties searching for the MODERN STORAGE MEDIA website on Google have clicked on the Google Ad for the MODERN STORAGE® website. Each click on the Google Ad results in a charge to Modern Storage.

35. Store Local's actions have caused damage to Modern Storage in an amount to be determined at trial and such damages will continue to increase unless Store Local is enjoined from its wrongful acts and infringement.

36. Store Local's actions have caused Modern Storage to suffer irreparable harm to its business. Modern Storage has suffered and will continue to suffer a substantial loss of goodwill and reputation unless and until Store Local is preliminarily and permanently enjoined from the wrongful acts complained of in this Complaint.

CAUSES OF ACTION

Count I – Trademark Infringement Under 15 U.S.C. § 1114

37. Modern Storage adopts, realleges, and incorporates all of the allegations and facts stated in Paragraphs 1-36 of this Complaint.

38. Modern Storage is the owner of federal trademark rights in the MODERN STORAGE® mark.

39. Modern Storage is the owner of Federal Trademark Registration No. 7,052,447 for the MODERN STORAGE® mark as used in connection with providing self-storage facilities for others and retail store services featuring packaging and moving supplies. Modern Storage has nationwide priority to the MODERN STORAGE® mark as used in connection with these services as of January 19, 2022.

40. Store Local began using the MODERN STORAGE MEDIA mark in connection with its website about the self-storage industry and its digital and printed publications about the self-storage industry after the priority date of Modern Storage's federal trademark rights.

41. The goods and services offered by Modern Storage under the MODERN STORAGE® mark and Store Local under the MODERN STORAGE MEDIA mark are at least related because they are offered in the self-storage industry.

42. Because of the similarities between Modern Storage's MODERN STORAGE® mark and the MODERN STORAGE MEDIA mark and the goods and services offered under those marks, Store Local's use of the MODERN STORAGE MEDIA mark is likely to cause confusion or mistake or to deceive as to source of the goods and services offered under the MODERN STORAGE MEDIA mark and the relationship between Store Local and Modern Storage.

43. Store Local's use of the MODERN STORAGE MEDIA mark has caused third parties in the self-storage industry to believe that Store Local is the same as or affiliated with Modern Storage.

44. At least since receiving Modern Storage's cease-and-desist letter on October 5, 2023, Store Local's infringement of the MODERN STORAGE® mark has been willful and intentional.

45. Store Local's ongoing infringement of the MODERN STORAGE® mark has caused damage to Modern Storage.

46. Store Local's ongoing infringement of the MODERN STORAGE® mark has caused irreparable harm to Modern Storage. This irreparable harm will continue unless Store Local is preliminarily and permanently enjoined from further infringement of the MODERN STORAGE® mark.

Count II – Unfair Competition Under 15 U.S.C. § 1125(a)

47. Modern Storage adopts, realleges, and incorporates all of the allegations and facts stated in Paragraphs 1-46 of this Complaint.

48. Modern Storage has used the MODERN STORAGE® mark since at least March 2017 in connection with operating self-storage facilities, offering retail store services, and providing self-storage information and content on its website. Modern Storage therefore is the owner of common law trademark rights in the MODERN STORAGE® mark.

49. The MODERN STORAGE® mark is distinctive as used in connection with Modern Storage's storage facilities, retail store services, and website.

50. As a result of Modern Storage's extensive use of the MODERN STORAGE® mark and success in offering self-storage facilities, retail store services, and providing a website about self-storage under the MODERN STORAGE® mark, the MODERN STORAGE® mark has acquired substantial goodwill and reputation with customers.

51. Long after Modern Storage began using the MODERN STORAGE® mark, Store Local began using the MODERN STORAGE MEDIA mark in

connection with its website about the self-storage industry and its digital and printed publications about the self-storage industry.

52. The goods and services offered by Modern Storage and Store Local are at least related because they are offered in the self-storage industry.

53. Store Local advertises new self-storage facilities on the “New Development & Openings” page of the MODERN STORAGE MEDIA website. Modern Storage advertises its self-storage facilities on its MODERN STORAGE® website.

54. Store Local offers videos about the self-storage industry on the “Latest Videos” page of the MODERN STORAGE MEDIA website. Modern Storage offers videos about self-storage on the “Storage Videos” page on the MODERN STORAGE® website.

55. The information on self-storage facilities and the videos on both websites are relevant to users and potential users of self-storage facilities.

56. Because of the similarities between Modern Storage’s MODERN STORAGE® mark and the MODERN STORAGE MEDIA mark and the goods and services offered under those marks, Store Local’s use of the MODERN STORAGE MEDIA mark is likely to cause confusion or mistake or to deceive as to the affiliation, connection, or association of Store Local and its website and publications with Modern Storage and its MODERN STORAGE® facilities, services, and website.

57. Because of the similarities between Modern Storage's MODERN STORAGE® mark and the MODERN STORAGE MEDIA mark and the goods and services offered under those marks, Store Local's use of the MODERN STORAGE MEDIA mark is likely to cause confusion or mistake or to deceive as to the origin, sponsorship, or approval of Store Local's website, goods, services, and/or commercial activities by Modern Storage.

58. At least since receiving Modern Storage's cease-and-desist letter on October 5, 2023, Store Local's unfair competition has been willful and intentional.

59. Store Local's ongoing unfair competition has caused damage to Modern Storage.

60. Store Local's ongoing unfair competition has caused irreparable harm to Modern Storage. This irreparable harm will continue unless Store Local is preliminarily and permanently enjoined from further unfair competition.

Count III – Trademark Infringement Under Arkansas Common Law

61. Modern Storage adopts, realleges, and incorporates all of the allegations and facts stated in Paragraphs 1-60 of this Complaint.

62. Modern Storage has used the MODERN STORAGE® mark since at least March 2017 in connection with operating self-storage facilities, offering retail store services, and providing self-storage information and content on its website. Modern Storage therefore is the owner of common law trademark rights in the MODERN STORAGE® mark.

63. The MODERN STORAGE® mark is distinctive as used in connection with Modern Storage’s storage facilities, retail store services, and website.

64. As a result of Modern Storage’s extensive use of the MODERN STORAGE® mark and success in offering self-storage facilities, retail store services, and providing a website about self-storage under the MODERN STORAGE® mark, the MODERN STORAGE® mark has acquired substantial goodwill and reputation with customers.

65. Long after Modern Storage began using the MODERN STORAGE® mark, Store Local began using the MODERN STORAGE MEDIA mark in connection with its website about the self-storage industry and its digital and printed publications about the self-storage industry.

66. The goods and services offered by Modern Storage and Store Local are at least related because they are offered in the self-storage industry.

67. Store Local advertises new self-storage facilities on the “New Development & Openings” page of the MODERN STORAGE MEDIA website. Modern Storage advertises its self-storage facilities on its MODERN STORAGE® website.

68. Store Local offers videos about the self-storage industry on the “Latest Videos” page of the MODERN STORAGE MEDIA website. Modern Storage offers videos about self-storage on the “Storage Videos” page on the MODERN STORAGE® website.

69. The information on self-storage facilities and the videos on both websites are relevant to users and potential users of self-storage facilities.

70. Because of the similarities between Modern Storage's MODERN STORAGE® mark and the MODERN STORAGE MEDIA mark and the goods and services offered under those marks, Store Local's use of the MODERN STORAGE MEDIA mark is likely to cause confusion or mistake or to deceive as to source of the goods and services offered under the MODERN STORAGE MEDIA mark and the relationship between Store Local and Modern Storage.

71. Store Local's use of the MODERN STORAGE MEDIA mark has caused third parties in the self-storage industry to believe that Store Local is the same as or affiliated with Modern Storage.

72. At least since receiving Modern Storage's cease-and-desist letter on October 5, 2023, Store Local's infringement of the MODERN STORAGE® mark has been willful and intentional.

73. Store Local's ongoing infringement of the MODERN STORAGE® mark has caused damage to Modern Storage.

74. Store Local's ongoing infringement of the MODERN STORAGE® mark has caused irreparable harm to Modern Storage. This irreparable harm will continue unless Store Local is preliminarily and permanently enjoined from further infringement of the MODERN STORAGE® mark.

Count IV – Unfair Competition Under Arkansas Common Law

75. Modern Storage adopts, realleges, and incorporates all of the allegations and facts stated in Paragraphs 1-74 of this Complaint.

76. Modern Storage has used the MODERN STORAGE® mark since at least March 2017 in connection with operating self-storage facilities, offering retail store services, and providing self-storage information and content on its website. Modern Storage therefore is the owner of common law trademark rights in the MODERN STORAGE® mark.

77. The MODERN STORAGE® mark is distinctive as used in connection with Modern Storage's storage facilities, retail store services, and website.

78. As a result of Modern Storage's extensive use of the MODERN STORAGE® mark and success in offering self-storage facilities, retail store services, and providing a website about self-storage under the MODERN STORAGE® mark, the MODERN STORAGE® mark has acquired substantial goodwill and reputation with customers.

79. Long after Modern Storage began using the MODERN STORAGE® mark, Store Local began using the MODERN STORAGE MEDIA mark in connection with its website about the self-storage industry and its digital and printed publications about the self-storage industry.

80. The goods and services offered by Modern Storage and Store Local are at least related because they are offered in the self-storage industry.

81. Store Local advertises new self-storage facilities on the “New Development & Openings” page of the MODERN STORAGE MEDIA website. Modern Storage advertises its self-storage facilities on its MODERN STORAGE® website.

82. Store Local offers videos about the self-storage industry on the “Latest Videos” page of the MODERN STORAGE MEDIA website. Modern Storage offers videos about self-storage on the “Storage Videos” page on the MODERN STORAGE® website.

83. The information on self-storage facilities and the videos on both websites are relevant to users and potential users of self-storage facilities.

84. Because of the similarities between Modern Storage’s MODERN STORAGE® mark and the MODERN STORAGE MEDIA mark and the goods and services offered under those marks, Store Local’s use of the MODERN STORAGE MEDIA mark is likely to cause confusion or mistake or to deceive as to the affiliation, connection, or association of Store Local and its website and publications with Modern Storage and its MODERN STORAGE® facilities, services, and website.

85. Because of the similarities between Modern Storage’s MODERN STORAGE® mark and the MODERN STORAGE MEDIA mark and the goods and services offered under those marks, Store Local’s use of the MODERN STORAGE MEDIA mark is likely to cause confusion or mistake or to deceive as to the origin,

sponsorship, or approval of Store Local's website, goods, services, and/or commercial activities by Modern Storage.

86. At least since receiving Modern Storage's cease-and-desist letter on October 5, 2023, Store Local's unfair competition has been willful and intentional.

87. Store Local's ongoing unfair competition has caused damage to Modern Storage.

88. Store Local's ongoing unfair competition has caused irreparable harm to Modern Storage. This irreparable harm will continue unless Store Local is preliminarily and permanently enjoined from further unfair competition.

JURY DEMAND

Modern Storage hereby demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Modern Storage prays for relief, as follows:

(a) A judgment that Store Local has willfully violated 15 U.S.C. § 1114, 15 U.S.C. § 1125(a), and Arkansas common law by using the MODERN STORAGE MEDIA mark;

(b) An award of its actual damages, treble damages, and Store Local's profits;

(c) An award of punitive damages under Ark. Code Ann. § 16-55-206;

(d) An award of its reasonable attorneys' fees and costs;

- (e) A preliminary and permanent injunction barring Store Local from further use of the MODERN STORAGE MEDIA mark in connection with its website and publications or otherwise infringing Modern Storage's trademark rights in the MODERN STORAGE® mark; and
- (f) Such further relief as this Court deems proper.

Blake Glasgow

Richard Blakely Glasgow (2009157)
Attorneys for Modern Storage, LLC
WRIGHT, LINDSEY & JENNINGS LLP
200 West Capitol Avenue, Suite 2300
Little Rock, Arkansas 72201
(501) 371-0808
FAX: (501) 376-9442
bglasgow@wlj.com

EXHIBIT 1

United States of America

United States Patent and Trademark Office

MODERN STORAGE

Reg. No. 7,052,447

Registered May 16, 2023

Int. Cl.: 35, 39

Service Mark

Principal Register

Modern Storage, LLC (ARKANSAS LIMITED LIABILITY COMPANY)
9800 Maumelle Blvd.
North Little Rock, ARKANSAS 72113

CLASS 35: Retail store services featuring packing and moving supplies

FIRST USE 3-17-2017; IN COMMERCE 3-17-2017

CLASS 39: Providing self-storage facilities for others

FIRST USE 3-17-2017; IN COMMERCE 3-17-2017

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

No claim is made to the exclusive right to use the following apart from the mark as shown: "STORAGE"

SEC.2(F)

SER. NO. 97-227,585, FILED 01-19-2022



Katherine Kelly Vidal

Director of the United States
Patent and Trademark Office



EXHIBIT 2

Mini-Storage Messenger Unveils New Branding



NEWS PROVIDED BY
Modern Storage Media →
06 Sep, 2023, 08:03 ET

PHOENIX, Ariz., Sept. 6, 2023 /PRNewswire/ -- After several months of development, the company known as Mini-Storage Messenger, which has been going by the name of its flagship publication since it was acquired by Storelocal Media Corporation in March of this year, has completed its rebranding and is pleased to reveal its new brand: Modern Storage Media.

Modern Storage Media, or MSM, pays homage to the company's rich, 43-year-long history within the self-storage industry by retaining the initials of its monthly print and digital magazine *Mini-Storage Messenger*. Located between the Ms, the S for Storage in the three-letter logo conveys self-storage being at the center of everything MSM does. The curled corner of the first M in its new logo represents turning the page on its past as a publisher as it transforms into a modern media company by taking a technology-focused approach to its offerings. This shift includes focusing on breaking industry news and offering custom publishing, as well as providing an enhanced website, advertising opportunities, and digital magazine experiences. Along with video and premium advertising options, MSM now has tracking capabilities to deliver invaluable ROI data to its advertisers.

"The name Modern Storage Media exemplifies the company's forward-thinking approach to all things self-storage," says Travis Morrow, CEO of Storelocal, the parent company of Modern Storage Media. "It will empower us to continue providing the cutting-edge media solutions our

readers and advertisers are seeking."

"We are very excited about the expanded opportunities that will be available to our readers and advertisers as a part of this rebrand," says Modern Storage Media Publisher Poppy Behrens. "Not only does it move us forward in the digital age, but it also preserves the history of the publication started by Hardy Good more than 40 years ago."

Supported by a team with over 20 years of experience in the self-storage industry, MSM remains committed to providing high-quality content that adds value to its readers through the monthly, quarterly, and annual publications the industry has come to trust, as well as its new offerings. To get a feel for the new MSM, visit the company's updated website, www.modernstoragemedia.com.

ABOUT MODERN STORAGE MEDIA (MSM)

Modern Storage Media (MSM) is the leading authority in the self-storage industry, providing the most comprehensive data, analysis, and expert insights. It is a single-source solution for the information that empowers self-storage professionals to make decisions that drive growth. Owned by Storelocal Media Corporation, the media division of Storelocal Corporation, MSM is a media company that produces self-storage-specific media and publications, including its flagship magazine *Messenger* and the annual *Self-Storage Almanac*, the industry's most trusted source of data. Visit www.modernstoragemedia.com for breaking industry news and numerous educational resources.

Contact: Poppy Behrens

(602) 678-3579

Poppy@modernstoragemedia.com

SOURCE Modern Storage Media

EXHIBIT 3



WRIGHT LINDSEY JENNINGS

200 West Capitol Avenue, Suite 2300 Little Rock, AR 72201-3699 Main 501.371.0808 Fax 501.376.9442 wj.com

Richard Blakely Glasgow
ATTORNEY

Direct: 501.212.1265 | bglasgow@wj.com

October 5, 2023

VIA EMAIL: travis.morrow@storelocal.com

Travis M. Morrow
CEO
Modern Storage Media
P.O. Box 608
Wittmann, AZ 85361-9997

Re: Cease-and-Desist Unauthorized Use of MODERN STORAGE Trademark

Dear Mr. Morrow:

This law firm represents Modern Storage, LLC (“Modern Storage”), with respect to intellectual property matters. Modern Storage operates self-storage locations and is the owner of common law and federal trademark rights to the MODERN STORAGE trademark. Enclosed for your reference is a copy of the federal trademark registration for the MODERN STORAGE mark owned by Modern Storage.

It has come to our attention that Mini-Storage Messenger has recently changed its name to Modern Storage Media. We understand that Modern Storage Media operates a website and publishes newsletters that are accessible and disseminated throughout the United States about the self-storage industry. Because Modern Storage began using the MODERN STORAGE mark many years before your company, Modern Storage has priority to the mark.

Modern Storage Media’s use of the MODERN STORAGE mark is likely to cause confusion with Modern Storage’s mark because the marks are nearly identical and because the goods and services offered under the marks are related to one another in the self-storage industry. Modern Storage Media’s use of the MODERN STORAGE mark without authorization therefore constitutes trademark infringement and unfair competition.

As such, Modern Storage demands that Modern Storage Media cease-and-desist from using the MODERN STORAGE mark. If Modern Storage Media confirms in writing by October 20, 2023, that it agrees not use the MODERN STORAGE mark

WRIGHT LINDSEY JENNINGS

October 5, 2023

Page 2

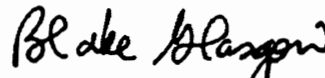
in the future, then Modern Storage will consider a reasonable phase-out period to limit any disruption to Modern Storage Media's business. However, if we do not hear from Modern Storage Media by this deadline, we will assume that Modern Storage Media does not wish to resolve this matter amicably and Modern Storage will proceed as appropriate to protect its trademark rights and prevent unfair competition.

The demands made herein are not made to the exclusion of other rights or remedies to which Modern Storage is entitled, and nothing in this letter, nor any act or omission by Modern Storage shall be construed as a waiver of any right or remedy possessed by the Modern Storage, all of which are expressly reserved.

If you would like to discuss this matter, please feel free to contact me.

Best regards,

WRIGHT, LINDSEY & JENNINGS LLP

A handwritten signature in black ink that reads "Blake Glasgow". The signature is written in a cursive style with a large, stylized initial 'B'.

Richard Blakely Glasgow

RBG/bg

United States of America

United States Patent and Trademark Office

MODERN STORAGE

Reg. No. 7,052,447

Registered May 16, 2023

Int. Cl.: 35, 39

Service Mark

Principal Register

Modern Storage, LLC (ARKANSAS LIMITED LIABILITY COMPANY)
9800 Maumelle Blvd.
North Little Rock, ARKANSAS 72113

CLASS 35: Retail store services featuring packing and moving supplies

FIRST USE 3-17-2017; IN COMMERCE 3-17-2017

CLASS 39: Providing self-storage facilities for others

FIRST USE 3-17-2017; IN COMMERCE 3-17-2017

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

No claim is made to the exclusive right to use the following apart from the mark as shown: "STORAGE"

SEC.2(F)

SER. NO. 97-227,585, FILED 01-19-2022

Katherine Kelly Vidal

Director of the United States
Patent and Trademark Office

