



THRIVOUS

thrivous.com – [REDACTED]

25 January 2017

Shopify Inc.
Attn: Shopify DMCA Complaints



RE: DMCA Counter Notification to “DMCA Takedown Notice | thrivous.com” from Opti-Nutra

To whom it may concern:

Pursuant to sections 512(g)(2) and (3) of the US Copyright Act, the undersigned submits the following DMCA counter notification on behalf of Thrivous.

Disputed Image:

https://cdn.shopify.com/s/files/1/1149/5670/files/clarity-vs-mind-lab-pro_416086c4-128b-4e29-b1b3-b5b33b14616d.jpg

Location of Disputed Image:

<https://thrivous.com/blogs/views/opti-nutra-mind-lab-pro-vs-thrivous-clarity>

Thrivous acknowledges the disputed image contains a trademark of Opti-Nutra. Thrivous uses the disputed image as part of a comparative advertising campaign. The comparative advertising campaign is true to the best knowledge and good faith of Thrivous, and therefore use of the disputed image is protected by United States law, as advised by Thrivous legal counsel.

Opti-Nutra has abused appeals to law in an anti-competitive manner to bully Thrivous. Thrivous advises Opti-Nutra that all information related to this dispute will be published to ensure transparency for consumer education.

Thrivous consents to the jurisdiction of the Federal District Court for the State of Utah. Thrivous will accept service of process from [REDACTED] of Opti-Nutra or his agent.

I hereby certify that the information contained in this notification is complete and accurate. I swear, under penalty of perjury, that I have a good faith belief that Shopify removed or disabled the disputed image as a result of a mistake. Thrivous has temporarily removed the image while we contest with this DMCA counter notification.

[REDACTED]
[REDACTED]
[REDACTED]