

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

PRODUCTS 2 RETAIL, INC. and  
NATIONAL EXPRESS, INC.

Plaintiffs,

v.

MUELLER DIRECT,

Defendant.

Civil Action No.

**JURY TRIAL DEMANDED**

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**COMPLAINT**

Plaintiffs, Products 2 Retail, Inc. and National Express, Inc., do hereby, through their attorneys, allege as follows:

**THE PARTIES**

1. Plaintiff Products 2 Retail, Inc. (“P2R”), is a New York Corporation with a principal place of business at 34 Kimberly Drive, Westhampton, New York 11977.

2. Plaintiff National Express, Inc. (“NEI”), is a Connecticut Corporation with a principal place of business at 2 Morgan Avenue, Norwalk, Connecticut 06851 (P2R and NEI hereafter collectively referred to as “Plaintiffs”).

3. Upon information and belief, Müller Direct (“Mueller”), is an Austrian company with a principal place of business at 412 N. Main Street, Suite 100, Buffalo, WY 82834.

**JURISDICTION AND VENUE**

4. This is a civil action for trademark infringement and unfair competition under Sections 32 and 43 of the Lanham Act, 15 U.S.C. §§ 1114 and 1125, trademark infringement under Connecticut common law, and for unfair and deceptive trade practices in violation of the

Connecticut Unfair Trade Practices Act (Conn. Gen. Stat. §§ 42-110(a) *et seq*). Jurisdiction is conferred upon this Court pursuant to 15 U.S.C. §§ 1121 and 28 U.S.C. §§ 1331, 1332, and 1338.

5. This Court has personal jurisdiction over Mueller in that it transacts business in this judicial district and/or has committed acts within this judicial district giving rise to this action.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (c).

### **BACKGROUND FACTS**

7. P2R is a marketing company focused on identifying, sourcing, and developing unique, problem-solving products while connecting them with television and retail marketers.

8. P2R owns numerous trademarks for its retail products including but not limited to U.S. Trademark Registration No. 3462818 for the mark CHOP WIZARD, filed on April 7, 2006 and registered on July 8, 2008 covering non-electric hand-operated food processor for chopping onions, vegetables, fruits and the like, in Class 8.

9. P2R is also the owner and licensor of several trademarks including, but not limited to, the following (collectively, the “VIDALIA CHOP WIZARD Marks”):

a. U.S. Trademark Registration No. 5239174 for the mark



filed on December 18, 2015 and

registered on July 11, 2017 covering Hand-operated food dicers; Hand-operated food processor; Hand-operated food slicers; Hand-operated vegetable shredders; Hand-operated vegetable slicers; Hand-operated fruit shredders; Hand-operated

fruit slicers, in Class 8;

b. U.S. Trademark Registration No. 5239173 for the mark VIDALIA CHOP WIZARD filed on December 18, 2015 and registered on July 11, 2017 covering Hand-operated food dicers; Hand-operated food processor; Hand-operated food slicers; Hand-operated vegetable shredders; Hand-operated vegetable slicers; Hand-operated fruit shredders; Hand-operated fruit slicers, in Class 8;



c. Common law trademark ;  
and



d. Common law trademark .

10. P2R owns both common law and federally registered rights to its well-known VIDALIA CHOP WIZARD Marks used on and in connection with kitchen tools including vegetable choppers.

11. NEI is an independently owned direct response company focusing on bringing products directly to consumers via television, internet, print, mail order, and retail. Founded in 1981, it is one of the oldest and most respected companies in the direct response industry.

12. Pursuant to a March 1, 2017 License Agreement between P2R and NEI, NEI is the exclusive licensee of the VIDALIA CHOP WIZARD Marks, with the right, amongst other things, to manufacture and sell goods bearing the VIDALIA CHOP WIZARD Marks.

13. NEI began using one or more of the VIDALIA CHOP WIZARD Marks in commerce at least as early as 2006.

14. Plaintiffs have made a substantial investment in creating, promoting, and protecting the VIDALIA CHOP WIZARD Marks, including throughout the United States, and as a result the VIDALIA CHOP WIZARD Marks have developed a high degree of recognition and substantial goodwill among the industry, the trade, the media, and consumers.

15. Upon information and belief, Mueller markets and sells, among other things, kitchen tools including vegetable slicers.

16. Upon information and belief, Mueller makes, uses, sells, and/or offers for sale, all without authorization or permission from Plaintiffs, competitive vegetable slicer products under the confusingly similar name “Vidalia Chopper Pro” in commerce throughout the United States, including in this judicial district, at least through its website

<http://www.muellerdirect.com/product/vidalia-chopper-pro-vegetable-chopper-by-mueller/> and

on Amazon at [https://www.amazon.com/Vidalia-Chopper-Vegetable-M%C3%BCeller-Vegetable-Fruit-Cheese-](https://www.amazon.com/Vidalia-Chopper-Vegetable-M%C3%BCeller-Vegetable-Fruit-Cheese-Onion/dp/B01HC7BNJA/ref=sr_1_1?ie=UTF8&qid=1497368145&sr=8-1&keywords=vidalia+pro+chopper)

[Vegetable-Fruit-Cheese-](https://www.amazon.com/Vidalia-Chopper-Vegetable-M%C3%BCeller-Vegetable-Fruit-Cheese-Onion/dp/B01HC7BNJA/ref=sr_1_1?ie=UTF8&qid=1497368145&sr=8-1&keywords=vidalia+pro+chopper)

[Onion/dp/B01HC7BNJA/ref=sr\\_1\\_1?ie=UTF8&qid=1497368145&sr=8-](https://www.amazon.com/Vidalia-Chopper-Vegetable-M%C3%BCeller-Vegetable-Fruit-Cheese-Onion/dp/B01HC7BNJA/ref=sr_1_1?ie=UTF8&qid=1497368145&sr=8-1&keywords=vidalia+pro+chopper)

[1&keywords=vidalia+pro+chopper](https://www.amazon.com/Vidalia-Chopper-Vegetable-M%C3%BCeller-Vegetable-Fruit-Cheese-Onion/dp/B01HC7BNJA/ref=sr_1_1?ie=UTF8&qid=1497368145&sr=8-1&keywords=vidalia+pro+chopper) (the “Vidalia Chopper Pro” tradename). See also Exhibit A,

attached hereto.

17. Mueller has infringed and continues to infringe Plaintiffs’ VIDALIA CHOP WIZARD Marks by various acts as alleged herein including, but not limited to, advertising, marketing, offering for sale, and selling vegetable slicers under its confusingly similar Vidalia Chopper Pro tradename throughout the United States, targeting similar consumers as NEI, and in

the same channels of trade as NEI's goods, and will continue to do so unless enjoined therefrom by this Court.

18. Mueller's conduct as alleged herein has confused and/or is likely to confuse consumers as to the source, sponsorship, endorsement, and or origination of Mueller's products.

19. Plaintiffs have been irreparably harmed by Mueller's infringement to an extent not yet determined, and will continue to be irreparably harmed in the future unless Mueller is enjoined from its activities by this Court.

20. Mueller's actions as alleged herein have been undertaken willfully and in bad faith.

21. On June 16, 2017, NEI sent Mueller a letter demanding that it immediately cease and desist from infringing the VIDALIA CHOP WIZARD Marks. A true and accurate copy of the June 16, 2017 letter is attached hereto as Exhibit B.

22. Mueller has failed and refused to comply with the demands of Plaintiffs' June 16, 2017 letter.

**COUNT I**  
**(Federal Trademark Infringement)**

23. Plaintiffs repeat and reallege paragraphs 1 - 22, above, as though fully set forth herein.

24. This is a claim for federal trademark infringement under the Lanham Act, 15 U.S.C. § 1114.

25. Mueller has infringed Plaintiffs' federally-registered VIDALIA CHOP WIZARD Marks by selling and/or offering for sale its vegetable slicer product under the confusingly similar Vidalia Chopper Pro tradename, in commerce in association with products and services that are the same as and/or substantially similar to Plaintiffs' goods offered under the VIDALIA

CHOP WIZARD Marks, by creating a likelihood of confusion and mistake among customers and the public, and by deceiving them.

26. Mueller's unauthorized use of the Vidalia Chopper Pro tradename in connection with the sale, offering for sale, distribution, and advertising of Mueller's vegetable slicers are intended to trade upon the goodwill and substantial recognition associated with Plaintiffs' VIDALIA CHOP WIZARD Marks used on or in connection with kitchen tools.

27. Mueller's unauthorized use of Plaintiffs' VIDALIA CHOP WIZARD Marks in association with Mueller's products and services is intended to cause confusion, mistake or deception.

28. Upon information and belief, at the time of committing certain acts alleged herein, Mueller had actual knowledge of Plaintiffs' ownership and prior use of its VIDALIA CHOP WIZARD Marks in connection with vegetable slicers manufactured and sold by NEI.

29. By virtue of these acts, Mueller has further created a likelihood of injury to Plaintiffs' business, caused a strong likelihood of customer confusion as to the source of Mueller's products and services, and has otherwise competed unfairly with Plaintiffs.

30. By these acts, Mueller has willfully infringed Plaintiffs' federally-registered VIDALIA CHOP WIZARD Marks in violation of 15 U.S.C. § 1114.

31. Mueller's aforesaid acts of infringement have injured and violated the rights of Plaintiffs in an amount to be determined at trial. Mueller's acts complained of herein have caused damage to Plaintiffs and have irreparably injured the public recognition and goodwill associated with Plaintiffs' VIDALIA CHOP WIZARD Marks.

32. Further, by these acts, Mueller has irreparably injured Plaintiffs and such injury will continue unless enjoined by this Court.

**COUNT II**  
**(Federal Unfair Competition and False Designation of Origin)**

33. Plaintiffs repeat and reallege paragraphs 1-32, above, as though fully set forth herein.

34. This is a claim for unfair competition and false designation of origin under the Lanham Act, 15 U.S.C. § 1125(a).

35. In violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a), Mueller has created and will continue to create a false designation of origin by selling and using in commerce, without permission of, or license from Plaintiffs, the Vidalia Chopper Pro tradename in connection with its vegetable slicer product, which will confuse and/or likely confuse potential customers into believing that Mueller's products and services are associated with, sponsored by, or approved by Plaintiffs.

36. Upon information and belief, at the time of committing certain acts alleged herein, Mueller had actual knowledge of Plaintiffs' ownership and prior use of its VIDALIA CHOP WIZARD Marks for use in connection with kitchen tools including vegetable choppers.

37. Mueller's aforesaid unauthorized acts have been willful and have injured and violated the rights of Plaintiffs in an amount to be determined at trial.

38. Further, by its actions, Mueller has irreparably injured Plaintiffs, and such irreparable injury will continue unless this Court enjoins Mueller.

**COUNT III**  
**(Connecticut Common Law Trademark Infringement)**

39. Plaintiffs repeat and reallege paragraphs 1 - 38, above, as though fully set forth herein.

40. This is an action for common law trademark infringement arising under common law of the state of Connecticut.

41. By virtue of the aforesaid acts, Mueller has attempted to and has created confusion as to the source of its products and services.

42. Such acts have the natural and probable tendency to deceive the public so as to essentially pass off Mueller's products as those of Plaintiffs' products.

43. As a result of Mueller's aforesaid acts, ordinary buyers making purchases under ordinary conditions have and will be confused and deceived.

44. As a result of Mueller's aforesaid acts, Plaintiffs have suffered and will continue to suffer damages in an amount to determine at trial.

45. Further, by its actions, Mueller has irreparably injured Plaintiffs, and such irreparable injury will continue unless this Court enjoins Mueller.

**COUNT IV**  
**(Unfair Competition – Connecticut Unfair Trade Practices Act)**

46. Plaintiffs repeat and reallege paragraphs 1 - 45, above, as though fully set forth herein.

47. This is a claim for unfair and deceptive trade practices under the Connecticut Unfair and Deceptive Trade Practices Act ("CUTPA"), Conn. Gen. Stat. § 42-110(a), *et seq.*

48. The actions of Mueller described herein constitute unfair and deceptive acts or practices, which have deceived and will continue to deceive Plaintiffs' customers and potential customers and which have injured and will continue to injure the goodwill, reputation, and business of Plaintiffs.

49. The actions of Mueller described herein are in and affecting commerce and are unfair and/or deceptive acts or practices in violation of CUTPA.



50. As a direct and proximate result of Mueller's unfair and deceptive conduct, Plaintiffs have suffered and will continue to suffer damages in an amount to be determined at trial.

51. Further, by its actions, Mueller has irreparably injured Samkwang, and such irreparable injury will continue unless this Court enjoins Mueller.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully ask this Court to enter judgment against Mueller, and against respective subsidiaries, successors, parents, affiliates, officers, directors, agents, servants and employees, and all persons in active concert or participation with Mueller, as follows:

- A. Declare that Mueller has infringed Plaintiff's federally registered trademarks in violation of the Lanham Act, 15 U.S.C. § 1114 and/or Connecticut common law;
- B. Declare that Mueller's unauthorized sale and use in commerce of its vegetable slicer product bearing the Vidalia Chopper Pro tradename is confusingly similar to Plaintiffs' VIDALIA CHOP WIZARD Marks in violation of the Lanham Act, 15 U.S.C. § 1125(a), as a false designation of origin, false description or representation;
- C. Declare that Mueller's acts and practices as set forth herein constitute unfair competition in violation of the Connecticut Unfair Trade Practices Act, and award Plaintiffs damages resulting therefrom, including but not necessarily limited to compensatory damages, lost profits, and/or a disgorgement of Mueller's profits as permitted by law;
- D. Preliminarily and permanently enjoin Mueller from further infringement of Plaintiff's VIDALIA CHOP WIZARD Marks and/or otherwise engaging in

wrongful conduct as set forth herein;

- E. Declare that Mueller's acts as complained of herein shall be deemed willful, and/or that this be deemed an exceptional case pursuant to 15 U.S.C. § 1117(a) and/or CUTPA Conn. Gen. Stat. § 42-110(g) and further declaring that Plaintiffs are entitled to treble damages;
- F. Award Plaintiffs statutory damages in connection with Count I for Mueller's intentional and willful violation of 15 U.S.C. § 1114(1)(a) pursuant to 15 U.S.C. § 1117;
- G. Award Plaintiffs statutory damages in connection with Count II for Mueller's intentional and willful violation of 15 U.S.C. § 1125(a) pursuant to 15 U.S.C. § 1117;
- H. Award Plaintiffs statutory damages in connection with Count IV pursuant to CUTPA;
- I. Award Plaintiffs their costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1117;
- J. Award any such other relief to which Plaintiffs are entitled under law, and any other and further relief that this Court or a jury may deem just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiffs demand a trial by jury on all issues so triable.

Date: July 19, 2017

Respectfully submitted,

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Hartford, CT 06103  
Tel. (860) 286-2929  
Fax. (860) 286-0115

*Attorneys for Plaintiffs*

# **EXHIBIT A**



Register | Sign In  
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Home → / Vidalia Chopper Pro Vegetable Chopper by Müeller – Strongest – NO MORE TEARS 30% Heavier Duty Multi Vegetable-Fruit-Cheese-Onion Chopper-Dicer-Kitchen Cutter  
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### Vidalia Chopper Pro Vegetable Chopper by Müeller – Strongest – NO MORE TEARS 30% Heavier Duty Multi Vegetable-Fruit-Cheese-Onion Chopper-Dicer-Kitchen Cutter

~~\$ 39.97~~ \$ 20.99

Buy it on Amazon



Reviews (0)

NEW & INTERESTING FINDS ON AMAZON EXPLORE



All ▼ vidalia pro chopper

Back-to-School checklist

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Kitchen & Dining Best Sellers Wedding Registry Small Appliances ▾ Kitchen Tools ▾ Cookware ▾ Bakeware ▾ Cutlery ▾ Dining & Entertaining ▾

Home & Kitchen > Kitchen & Dining > Kitchen Utensils & Gadgets > Seasoning & Spice Tools > Choppers & Mincers > Mincers

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### lia Chopper Pro Vegetable opper by Müller - Strongest - NO RE TEARS 30% Heavier Duty Vegetable-Fruit-Cheese-Onion opper-Dicer-Kitchen Cutter

★★★★★ 1,983 customer reviews  
answered questions  
#1 Best Seller in Seasoning & Spice Mincers

Price: ~~\$39.97~~  
Sale: **\$19.99** & FREE Shipping on orders over \$25—  
or get FREE Two-Day Shipping with prime  
Save: **\$19.98 (50%)**

Check.  
Want it tomorrow, July 20? Order within **23 mins** and  
choose **One-Day Shipping** at checkout. [Details](#)  
Sold by [KNDirect](#) and [Fulfilled by Amazon](#). Gift-wrap  
available.

- REDUCES ONION VAPORS to minimize tears in a storage container. Holds up to 4 cups or 1.2 liters
- UNMATCHED QUALITY - Made from BPA-free professional grade, heavy duty reinforced food grade ABS for superior break resistance. 2 ultra-sharp German 420-grade hardened stainless steel discs for chopping/dicing the hardest vegetables/cheeses with 1 easy motion EVERY time
- FDA Certified, BPA Free, All parts are dishwasher safe
- SUPERIOR VALUE - Package includes the Mueller Vidalia stainless steel discs, 4-cup container, cleaning brush, Mueller recipe e-book. Also backed by a lifetime warranty and live telephone customer support

New (1) from **\$19.99** & FREE shipping on orders over \$25.00. [Details](#)

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Qty:

Yes, I want **FREE Two-Day Shipping** with [Amazon Prime](#)

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**Ship to:**  
hartford, 06101 ▾

Have one to sell?

**OXA**  
600-watt motor, surprisingly powerful

OXA powerful 4-in-1 hand blender, black, 600 watt

★★★★★ 78

**CUISINART**  
Buy an  
Extra  
1.5Q  
Freezer  
Bowl

Cuisinart ICE-RFB 1-1/2-Quart Additional Freezer Bowl, Fits ICE-20/21 Ice Cream Maker

### Frequently bought together

Total price: **\$47.47**



- This item:** Vidalia Chopper Pro Vegetable Chopper by Müeller - Strongest - NO MORE TEARS 30% Heavier Duty Multi... **\$19.99**
- Warmhoming Multipurpose Kitchen Shears with 5 Stainless Steel Blades and Cleaning Comb (Green) **\$7.99**
- Vidalia Chop Wizard **\$19.49**

**Sponsored products related to this item (What's this?)**



Tiger Chef French Fry Cutter and Easy Vegetable Dicer Chopper With 2...  
★★★★★ 29  
\$32.99



Richday Vegetable Cutter 10 in 1 King Mandolin Chopper with Interchangeable 7...  
★★★★★ 2  
\$25.97 **prime**



Wavy Crinkle Cutting Tool Vegetable French Fry Slicer Stainless Steel Blade Wooden Handle...  
\$11.98 **prime**



[Updated Version] TAPCET Stainless Steel Mandoline Slicer For Fruit Vegetable Cheese...  
★★★★★ 15  
\$25.99 **prime**



Premium Vegetable and Fruit Chopper, Multifunctional Slicer, Grater and Dicer  
★★★★★ 37  
\$28.99 **prime**

Ad feedback

**Customers who viewed this item also viewed**



Vidalia Chop Wizard  
★★★★★ 3,641  
#1 Best Seller in Seasoning & Spice Choppers  
\$19.49 **prime**



Vegetable Dicer, Vidalia Chopper, & Slicer Includes Interchangeable Inserts for 1/4" Dice, 1/2" Dice & 1...  
★★★★★ 236  
\$18.95 **prime**



Vegetable Cutter, Chopper, Grater & Julienne Slicer with Seven Interchangeable...  
★★★★★ 60  
\$26.99 **prime**



Vegetable Chopper Mandoline Spiralizer Slicer - 8-in-1 Kitchen Pro Veggie Onion Food...  
★★★★★ 229  
1 offer from \$119.99



Vegetable Chopper Dicer Slicer Cutter Manual / Vegetable Grater with 5 Stainless Steel Blades...  
★★★★★ 166  
\$22.99 **prime**



Vegetable and Fruit Chopper with 3 Stainless Steel Blades, Adjustable Slicer & Dicer With...  
★★★★★ 139  
\$19.99 **prime**




## Special offers and product promotions

- Your cost could be \$0.00 instead of \$19.99! Get a **\$50 Amazon.com Gift Card** instantly upon approval for the **Amazon Rewards Visa Card** [Apply now](#)

## Product description

Multi Vegetable Chopper Size: 10.5 x 4.3 x 4 inch

## Product information

Package Dimensions	10.7 x 4.6 x 3.6 inches
Item Weight	1.4 pounds
Shipping Weight	1.4 pounds ( <a href="#">View shipping rates and policies</a> )
Manufacturer	Müller
ASIN	B01HC7BNJA
Item model number	M-700
Customer Reviews	 1,983 <a href="#">customer reviews</a>  4.7 out of 5 stars
Best Sellers Rank	#104 in Kitchen & Dining ( <a href="#">See Top 100 in Kitchen &amp; Dining</a> ) #1 in Kitchen & Dining > Kitchen Utensils & Gadgets > Seasoning & Spice Tools > Choppers & Mincers > Mincers
Date first available at Amazon.com	June 20, 2016

## Warranty & Support

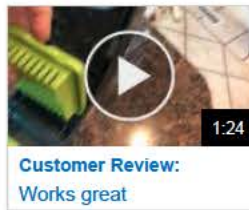
**Product Warranty:** For warranty information about this product, please [click here](#)

## Feedback

If you are a seller for this product, would you like to [suggest updates through seller support?](#)

Would you like to [tell us about a lower price?](#)

## Related Video Shorts



## Sponsored products related to this item (What's this?)



**FDA**  
Vegetable Chopper Dicer Slicer Cutter Manual / Vegetable Grater with 11 Interchangeable...



Native Spring Classic Stainless Steel Chopper Mincer Superb Kitchen Tool for Meal...





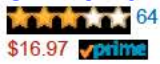
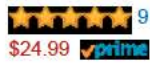
B.WEISS mandoline slicer Cuts Fruits & Vegetables, Straight & Julienne-Vegetable Slicer



Vegetable's Chef - Onion, Vegetable, Fruit and Cheese Chopper - Dice, Slice and Chop...



Ronco Veg-O-Matic Deluxe  
 10  
 \$23.74 



Ad feedback

selling on amazon

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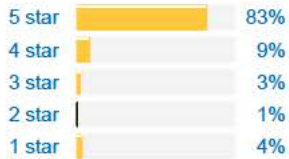
### Customer Questions & Answers

[See questions and answers](#)

### Customer reviews

 1,983

4.7 out of 5 stars



Share your thoughts with other customers

Write a customer review

[See all verified purchase reviews](#)



Vegetable Chopper Dicer Slicer Cutter Manual / V

 9

\$24.99 

[Shop Now](#)

### Top customer reviews

 Great product, 2 dicers.

By MTN on December 15, 2016

Verified Purchase

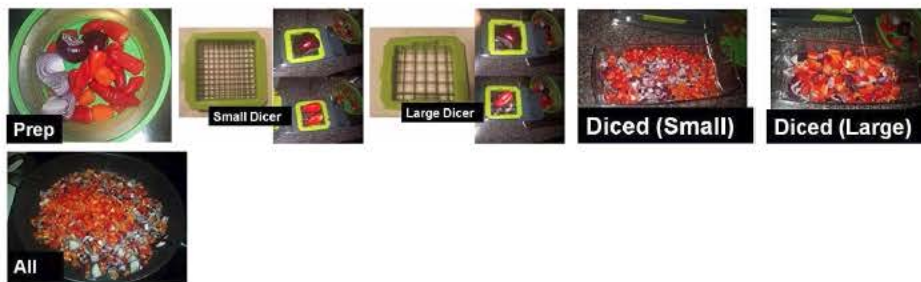
This is definitely a life saver! I really like onions but I usually can't see by the time I am done dicing them. It comes the Vidalia dicer to save my teary eyes. The plastic is not cheap looking or feeling, the parts are easy to

### Customer images



clean and the dicer works well. Just place your vegetable and apply a bit of pressure and that's it. The photos say it all.

[See all customer images](#)



3 comments | 303 people found this helpful. Was this review helpful to you?   Report abuse

**★★★★★ Outstanding design! Definitely worth a few more bucks!**

By [David C. Hanks](#) on February 8, 2017

Verified Purchase

It just arrived yesterday, a replacement for another brand that served us well for a while, but that ultimately broke. It was, frankly, amazing that our previous chopper hadn't done so earlier, given the design that placed significant force on the hinge area (two small tabs where the lid attached) of the thin, plastic base. By the time one of the tabs broke off, the base was cracked and almost completely unusable.

When I saw the design of the Vidalia Chopper Pro, with the hinge fully integrated into the lid of your product, I was more than happy to spend a few more bucks to get it. I am very impressed! I finely chopped a quarter of an onion with ease! The chopper felt solid and like it could have easily handled a much more challenging food. I love the angle of the blade; very ergonomically friendly. Plus, I can leave the lid open when the chopper is empty and, unlike our earlier chopper, it didn't feel like the whole chopper was going to tip over backwards. Additionally, clean up was a breeze, with the included brush and easily detachable blades and pusher. I can tell this will be fun to use and last a very long time.

An excellent product. I will be checking out the Mueller website to see what else they make!

Comment | 41 people found this helpful. Was this review helpful to you?   Report abuse

**★★★★★ Amazing time-saving chopper!**

By [Jon](#) on January 15, 2017

Verified Purchase

We ordered this chopper after seeing a similar product on TV. We thought it was a great concept and would save us a lot of time. Unfortunately the Amazon reviews were just so-so for the one we saw on TV (like so many As Seen on TV products are). However, this similar product was rated five stars, and appeared to be much sturdier in construction quality, which was the main drawback of the competitor's model. So we ordered it, and are certainly thrilled with the product! I just diced two onions, a bell pepper, and a jalapeño pepper for a chili recipe in no time flat. I don't think this product will suffer from breakage due to poor construction, and will update my review if I have any issues. Five stars!

Comment | 89 people found this helpful. Was this review helpful to you?   Report abuse

**★★★★★ Chops like a dream.**

By [Lisa M. Busch](#) on April 8, 2017

Verified Purchase

This is an excellent replacement for my old Vidalia Chopper, which after many years of use finally broke. Chops like a dream! Almost too good. I love the new design, being able to pull out the chopping screen and replace it, they take less room to store. Only 2 complaints:

1. my old one had measurements on the side of the container 1/4 cup, 1/2 cup, 1 cup which made it easier to measure and not having to use a measuring cup. I guess I could put them on myself, just scratch them in, but so far, not too terrible a flaw.
2. A flaw/plus. The chopping screen is EXCEEDINGLY sharp!! So much so that 3 times now, in the short time I have owned it, I have cut my finger picking it up to put away....If you don't keep your fingers on the plastic when removing/picking up the chopping screens, you can easily cut your finger!

## Most recent customer reviews

**★★★★★ Great product**

Very good product. I love it. Would purchase again. They also send a free peeler if you send them your feedback via email (if this coupon is in your box, don't forget to use it... [Read more](#) | Published 15 hours ago by Amazon Customer

**★★★★★ THE BEST CHOPPER ANYWHERE - GET IT!!!**

Finally - a chopper that is well built and stays sharp! I have purchased two choppers from department stores over the last couple of years, the handle broke off of the first and... [Read more](#) | Published 20 hours ago by Reedz I.

**★★★★★ Best chopper!**

Best chopper I've had so far and I've had a lot. They always broke at the hinges but I don't think that will be a problem with this design. Published 22 hours ago by Kathy Lackey

**★★★★★ Must have !**

Absolutely Amazing, with minimal force I was able to get 1 shot chop for onions and potatoes and tomatoes and I am going to try on more things. [Read more](#) | Published 22 hours ago by strong

**★★★★★ Makes cooking so much easier and it is very easy to take apart**

Makes cooking so much easier and it is very easy to take apart. Also it is dishwasher safe but I suggest keeping it on the top rack of your dishwasher. Published 22 hours ago by HK

**★★★★★ Five Stars**

High quality and very well made. Published 23 hours ago by Roy B.

**★★★★★ Five Stars**

I love it. Works like a charm and saves time (and keeps onion smell off my hands). Published 1 day ago by gcoug

**★★★★★ FANTASTIC KITCHEN TOOL!**

What a FANTASTIC kitchen tool! Every day at lunch time I use it to chop fruits & veggies for our dog Finn...sweet potatoes, celery, apples, carrots, green beans, etc. [Read more](#) | Published 1 day ago by Jan H

**★★★★★ Five Stars**

Best one I have Published 1 day ago by Amazon Customer

**★★★★★ Made Salsa using the smaller blades & it came out perfect! This is great quality with heavy duty plastic ...**

I purchased the Mueller Vidalia Chopper Pro from

Comment | 22 people found this helpful. Was this review helpful to you?   Report abuse

Amazon a couple of weeks ago and finally had a chance to use it today. [Read more](#)  Published 1 day ago by Rich

**★★★★★ Trouble Chopping? Disability or Arthritis? Try This!**

By [Y. Demus](#) on December 27, 2016

Verified Purchase

I have a disability that affects my ability to use my hands. Chopping food is exhausting and painful, so I had stopped making a lot of my favorite foods, or had switched to pre-chopped versions. Until I found this.

I bought it with the thought that I could return it to Amazon in 30 days if it didn't work out. But, from the first time I used it, I knew I'd never be returning it.

This little baby has been a dream for making salads and salsas and soups, and it's easy to clean with the little brush they include. You do need to push it down with a bit of pressure, but neither fine motor skills nor repetition are involved. I have gone from almost never chopping vegetables to chopping them almost every day.

Every vegetable I've put in has cut perfectly. I have cut tomatoes, celery, carrots, bell peppers, onions, and cucumbers. The only trick is to know whether to put the skin up or down. In most cases, especially tomatoes, it should be up. But in some cases, like celery, the skin (ribs) should be down.

One caution: do NOT use it to cut cheese! I tried it once and immediately regretted it. But chopping vegetables is dreamy. As in, I never dreamed I'd be able to chop vegetables every day again.

Comment | 108 people found this helpful. Was this review helpful to you?   Report abuse

**★★★★★ This is the chopper you want!**

By [Customer Name](#) on January 9, 2017

Verified Purchase

I used a "slap" type chopper for a few years but the plastic degraded to the point where I was worried about getting pieces in my food. After doing some research I found this chopper. I've used it a couple of times and wish I'd gotten it years ago. It works so much better. No more banging my hand on the counted trying to chop items to the correct size. No more digging chunks of onion out off the blades where they would inevitably get stuck. No more small pieces with larger pieces mixed in. No more banging metal blades against plastic.

Now I just lay the vegetables on top, push down firmly, and done. Even size pieces every time, and no stopping to empty the container like I used to do. It's also easy to clean up. Even the hinged handle quickly comes apart.

Awesome customer service too! They sent a short follow up email which I appreciated. Thanks Mueller!

1 comment | 44 people found this helpful. Was this review helpful to you?   Report abuse

**★★★★★ Easy to use, convenient, love to prep my meals with this!**

By [Chelsea H](#) on May 24, 2017

Verified Purchase

I was always the type of cook to use the electric food processors. First off they were always a mess and would always break. I can say that this pro food chopper has taken first place. I leave it on my kitchen counter top. As far as preparation; It is still about the same amount of time to prep my meals. The chopper is heavy duty, and stainless steel. It's very sharp! It's easy to use by pushing products through. Everything comes out in even pieces and looks fantastic.

Overall this is a highly functional and easy to clean product. It love it and will continue to use it frequently.



Comment | 10 people found this helpful. Was this review helpful to you?   Report abuse

[See all verified purchase reviews \(newest first\)](#)

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Warmhoming Multipurpose Kitchen Shears with 5 Stainless Steel Blades and...

★★★★★ 77  
 \$7.99



TAPCET Stainless Steel Mandoline Slicer 5 Interchangeable Blades + Food Container + Safety...

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 \$19.99 **prime**



Mueller Austria V-Pro 5 Blade Adjustable Mandoline Slicer - White/Grey

★★★★★ 1,166  
 \$29.99 **prime**



Vidalia Chop Wizard  
 ★★★★★ 3,641  
 #1 Best Seller in Seasoning & Spice Choppers  
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Mandoline Slicer + Peeler & eBook - Potato Slicer - Vegetable Grater - Cutter for Cucumber, Onion,...

★★★★★ 91  
 \$21.99 **prime**



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# **EXHIBIT B**



# Cantor Colburn LLP

Intellectual Property Attorneys

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Partner

**HARTFORD**  
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Hartford, CT 06103  
phone: 860-286-2929  
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June 16, 2017

**VIA FEDERAL EXPRESS**

Müeller Direct  
President and CEO  
412 N. Main St, Ste 100  
Buffalo, WY 82834

**WASHINGTON, D.C.**  
1800 Diagonal Road  
Suite 400  
Alexandria, VA 22314  
phone: 703-236-4500  
fax: 703-236-4501

**RE: Violation of National Express, Inc.'s Intellectual Property Rights**

Dear Sir or Madam,

**ATLANTA**  
1180 Peachtree Street  
Suite 2050  
Atlanta, GA 30309  
phone: 404-607-9991  
fax: 404-607-9981

This firm represents National Express, Inc. ("NEI") with respect to certain intellectual property matters. This letter is written regarding Müeller Direct's ("Müeller") unauthorized use of identical and/or colorable imitations of NEI's VIDALIA CHOP WIZARD marks in connection with its "Vidalia Chopper Pro Vegetable Chopper." See [https://www.amazon.com/Vidalia-Chopper-Vegetable-M%C3%BCeller-Vegetable-Fruit-Cheese-Onion/dp/B01HC7BNJA/ref=sr\\_1\\_1?ie=UTF8&qid=1497368145&sr=8-1&keywords=vidalia+pro+chopper](https://www.amazon.com/Vidalia-Chopper-Vegetable-M%C3%BCeller-Vegetable-Fruit-Cheese-Onion/dp/B01HC7BNJA/ref=sr_1_1?ie=UTF8&qid=1497368145&sr=8-1&keywords=vidalia+pro+chopper).

**HOUSTON**  
2603 Augusta Drive  
Suite 1270  
Houston, TX 77057  
phone: 713-266-1130  
fax: 713-266-8510

NEI is the exclusive licensee of the VIDALIA CHOP WIZARD, VIDALIA CHOP WIZARD PRO, and VIDALIA CHOP WIZARD ELITE trademarks (collectively, the "VIDALIA CHOP WIZARD marks"). NEI is also the exclusive distributor the VIDALIA CHOP WIZARD products sold under these VIDALIA CHOP WIZARD marks.

**DETROIT**  
201 W. Big Beaver Road  
Suite 1101  
Troy, MI 48084  
phone: 248-524-2300  
fax: 248-524-2700

The VIDALIA CHOP WIZARD marks are prominently featured in NEI's advertising, marketing, and promotional materials for its products and in connection with its products offered for purchase in stores throughout the United States and on its United States website located at <http://www.chopwizard.com/>.

[www.cantorcolburn.com](http://www.cantorcolburn.com)

NEI has made a substantial investment in creating, promoting, and protecting the VIDALIA CHOP WIZARD marks, and, as a result, the VIDALIA CHOP WIZARD marks have developed a high degree of recognition and substantial goodwill among the industry, the trade, the media, and consumers. Consequently, the VIDALIA CHOP WIZARD marks are among NEI's most important and valuable assets, and must be protected accordingly.



As discussed above, it has come to our attention that Müeller is selling and/or offering for sale counterfeit VIDALIA CHOP WIZARD products and improperly using the VIDALI CHOP WIZARD marks in connection with its vegetable chopper product. NEI is aware that Müeller is offering its imitation vegetable chopper product at least on Amazon as well as its website <http://www.muellerdirect.com/product/vidalia-chopper-pro-vegetable-chopper-by-mueller/>.

NEI views any infringement of its intellectual property rights as a very serious matter. Such unauthorized and improper use of the VIDALIA CHOP WIZARD marks is likely to confuse, deceive, and/or mislead consumers into believing that your products come from NEI or that NEI has licensed, endorsed, sponsored, or otherwise authorized your products, when it has not.

Such activities constitute infringement of NEI's trademark rights under Section 43(a) of the Lanham Act, unfair competition under Section 43(a) of the Lanham Act, as well as unfair competition and common law trademark infringement under applicable state law. Infringers may be liable to NEI for damages, lost profits, attorneys' fees, and costs, as well as the infringer's profits, and enhanced damages in cases such as this, where the infringement is willful. The sale of counterfeit goods also violates federal and state criminal statutes, including the Trademark Counterfeiting Act which may subject Müeller to criminal penalties ranging from fines of up to \$15 million as well as imprisonment of up to 20 years.

NEI therefore demands that you take the following steps:

1. Immediately cease and desist all use and planned use of the VIDALIA CHOP WIZARD marks and/or any marks that are confusingly similar to the VIDALIA CHOP WIZARD marks in the United States including, but not limited to, use in any domain name, use on products and packaging, use online including Amazon, Müeller's website, use on social media, use on all printed materials, and use on all advertising, marketing, and promotional materials;
2. Provide an accounting of all use by Müeller of the VIDALIA CHOP WIZARD marks, including but not limited to the products bearing the VIDALIA CHOP WIZARD marks, the period of use, the manufacturing price, sales price, and total sales of any and all such products; and
3. Immediately provide written assurances that Müeller will cease all such unauthorized use of the VIDALIA CHOP WIZARD marks, and any marks confusingly similar to the VIDALIA CHOP WIZARD marks, and that Müeller will not resume such use in the future.

**Cantor Colburn** LLP

*Intellectual Property Attorneys*

Müller Direct

June 16, 2017

Page 3

If we fail to hear within ten (10) days from the date of this letter that you have complied with the above demands, NEI will take other appropriate steps to protect and enforce its trademark rights, including but not limited to potentially initiating litigation seeking relief to the full extent permitted by law. NEI expressly reserves all of its rights and remedies in this matter if you fail to cooperate in reaching an amicable resolution as set forth above.

We look forward to hearing from you.

Sincerely,

A handwritten signature in blue ink that reads "Steven M. Coyle" followed by the initials "kcm".

Steven M. Coyle, Esq.

SMC/kcm