

# Merchant & Gould

An Intellectual Property Law Firm

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December 30, 2010

VIA FEDERAL EXPRESS

MGM Industries  
287 Free Hill Road  
Hendersonville, TN 37075

**Re: MGM Industries False Advertising Investigation  
M&G 00340.0023BX**

Dear Sir/Madam:

We represent Andersen Corporation of Minnesota. We recently discovered the attached ad that states "Is it Andersen or Is it MGM" as a title, a copy of which is attached.

As you know, Andersen Corporation owns the ANDERSEN mark for windows. We are requesting that you provide us with the report and/or study that your company used to substantiate its claim that your products are completely identical in every respect to Andersen Corporation's products. We also ask that you provide us with legible copies of all advertisements and promotions utilizing the alleged preference claim, including the attached ad. Finally, please provide us with the media outlets through which this and such preference ads are being and will be used and the anticipated duration of the promotion. In the likely event that you do not have substantiation for this advertisement, we demand that you immediately cease and desist with any further comparative advertising and agree to corrective advertising subject to Andersen Corporation's approval.

Please send the requested information by January 14, 2011. We thank you in advance for your cooperation in this matter and look forward to your timely response.

Very truly yours,

MERCHANT & GOULD P.C.



Scott W. Johnston

Enclosure

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