February 14, 2025

VIA EMAIL

Sarah M. Matz
Adelman Matz P.C.
sara@adelmanmatz.com

Re: DeFlock / Will Freeman

Dear Ms. Matz:

The Electronic Frontier Foundation represents Will Freeman for purposes of responding to your January 30, 2025 cease-and-desist letter regarding the DeFlock project and the website found at deflock.me. The claims alleged in your letter are groundless, and Mr. Freeman will not be complying with your demands.

DeFlock is a grassroots project that aims to "shine a light on the widespread use of ALPR technology, raise awareness about the threats it poses to personal privacy and civil liberties, and empower the public to take action."[1] It pursues that mission by providing information about ALPRs and maintaining an interactive, crowd-sourced map of ALPR installations. The name "DeFlock" references the project's goal of ending ALPR usage and Flock's status as one of the most widely used ALPR providers.

Your claims of dilution by blurring and/or tarnishment fail at the threshold, without even needing to address why dilution is unlikely. Federal anti-dilution law includes express carve-outs for any noncommercial use of a mark and for any use in connection with criticizing or commenting on the mark owner or its products.[2] Mr. Freeman's use of the name "DeFlock" is both.[3] As for state laws, Mr. Freeman denies that he is subject to the laws of any state cited in your letter. Even if he were, those claims would likewise fail because the protections for noncommercial and critical speech that are written into

[1] https://deflock.me/about
[2] § 1125(c)(3)
[3] A federal claim would also fail because federal dilution protection is available only for famous marks. 15 U.S.C. § 1125(c). To qualify, a mark must be "widely recognized" as a trademark "by the general consuming public of the United States"—in other words, a "household name." § 1125(c)(2)(A); *Blumenthal Distrib., Inc. v. Herman Miller, Inc.*, 963 F.3d 859, 870–71 (9th Cir. 2020). Flock cannot credibly claim its marks reach that threshold.

federal law are required by the First Amendment, whether or not they're expressly stated.[4]

Your claim of false advertising under the Lanham Act fails for essentially the same reason. The provision you've cited explicitly applies only to uses "in commercial advertising or promotion."[5] The DeFlock website is neither.

Because there is no legal basis for your demands, my client declines to comply with them.

Sincerely,

Cara L. Gagliano
Senior Staff Attorney
Electronic Frontier Foundation

[4] *See, e.g., Smith v. Wal-Mart Stores, Inc.*, 537 F. Supp. 2d 1302, 1339–40 (N.D. Ga. 2008) (rejecting claim under O.C.G.A. § 10–1–451(b) because anti-dilution law "applies only to purely commercial speech")
[5] § 1125(a)(1)(B)