November 16, 2004 Via E-Mail OBLON
SPIVAK
McCLELLAND
MAIER
&
NEUSTADT
P.C.

ATTORNEYS AT LAW

ROBERTA S. BREN
(703) 412-6413
RBREN@OBLON.COM

Mr. Jason Scott Mailbox@textfiles.com

Re: C. R. Bard, Inc. /BCR, Inc. v. Textfiles.org

Infringement and Dilution of BARDEX Trademark Our Ref. No.: 259381US-3528-8284-35 SD

Dear Mr. Scott:

This is further to our letter dated October 5, 2004 (copy enclosed).

We have not received a response from you and improper references to the *BARDEX* mark used to refer to enema equipment continue to appear in the several stories posted within http://protovision.textfiles.com/sex/EROTICA/. In particular, inaccurate references to the BARDEX appear in the stories titled *An Interesting Saturday Night, Part 5, Lori's Last Day* and *Pamela's Story*.

As explained previously, the federally registered BARDEX trademark only identifies C. R. Bard, Inc. medical products, namely urological catheters, which require a prescription and are to distributed and/or used under a physician's supervision. Use of our client's trademark to identify enema equipment in erotic fiction is likely to cause confusion and dilute the value of the BARDEX trademark in violation of trademark laws. Accordingly, we request you revise the text of the stories to refer to enema nozzle, enema balloon, enema bulb, or some other generic term, and discontinue the use of the BARDEX trademark.

Mr. Jason Scott 259381US-3528-8284-35 SD Page 2



We are hopeful this matter can be resolved without resort to litigation. If we do not hear from you or your attorney by <u>December 1, 2004</u>, and if improper use continues, we will consider your failure to cease using the mark as willful infringement and dilution and we will contact your hosting site and/or registrar to make sure you receive proper notification of the continued problem.

Very truly yours,

OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT P.C.

Roberta S. Bren

Roberta S. Bren

 $RSB/GMA/ssb ~ \{ \text{1:ATTY/RSB/BARD/3528-259381US-STORY-LT2.doc} \} \\$

Enclosures: Copy of Letter

cc: C. R. Bard, Inc.

October 5, 2004 Via Courier and First Class Mail

MAIER **NEUSTADT**

Mr. Jason Scott 167 Milk Street #152 Boston, MA 02109-4315 ATTORNEYS AT LAW ROBERTA S. BREN

(703) 412-6413

RBREN@OBLON.COM

P.C.

OBLON

SPIVAK

McClelland

C. R. Bard, Inc. /BCR, Inc. v. Textfiles.com Infringement and Dilution of BARDEX Trademark Our Ref.: 259381US-3528-8284-35-SD

Dear Mr. Scott:

Our firm represents C. R. Bard, Inc. of Murray Hill, New Jersey, and its related company, BCR, Inc., owner of the federally registered trademark BARDEX. The BARDEX trademark has been registered in the United States since 1951 in connection with various medical products, including urological catheters (U.S. Trademark Registration No. 543,922).

We learned of the improper and unauthorized use of our client's mark in connection with your website. Enclosed are sample printouts showing the improper and inaccurate references to the BARDEX mark appearing within the following stories:

An Interesting Saturday Night - Part 5 of 5. http://protovision.textfiles.com/sex/EROTICA/S/satnite5.txt

Lori's Last Day,

http://protovision.textfiles.com/sex/EROTICA/M/mchris31.txt

Pamela's Story, Chapter 7 and 8,

Re:

http://protovision.textfiles.com/sex/EROTICA/P/pamela8.txt http://protovision.textfiles.com/sex/EROTICA/P/pamela7.txt http://protovision.textfiles.com/sex/EROTICA/G/goldvid.txt

References to BARDEX nozzle, Double BARDEX, BARDEX balloons, and BARDEX bulb are likely to cause confusion as to the origin of the products or services identified and dilute the value of our client's federally registered mark in violation of the trademark laws. The BARDEX mark identifies our client's medical products and is not related to enemas, rectal catheters or other enema equipment. BARDEX only identifies C. R. Bard, Inc. medical products, namely urological catheters, which require a prescription and must be distributed and/or used under a physician's supervision. We are concerned that the improper references to our client's mark and product in connection with enema equipment and sexually explicit stories are likely to mislead consumers, resulting in misuse and possible injury. Accordingly, we request you revise the

Mr. Jason Scott 259381US-3528-8284-35-SD Page 2



stories to refer to a balloon nozzle, enema bulb or some other generic phrase, without referring to our client's trademark.

We would like to resolve this matter quickly and amicably, without resort to the courts, if possible. To that end, we hereby demand that:

- 1. Each reference to the BARDEX mark be <u>immediately</u> deleted from your website, in the stories posted in the archive appearing within the directory, and any other materials distributed by you.
- 2. Each use of the BARDEX mark in hidden text, source code language, and on search engine indices and lists referring to your website must be <u>immediately</u> discontinued.

We will continue to monitor the story archive on your website to determine if each reference to the BARDEX mark has been removed.

If the references to our client's mark are not removed and we do not hear from you or your attorney by <u>October 20, 2004</u>, then we will recommend that our client institute a lawsuit, without further notice, and that damages to the fullest extent provided by law as well as costs associated with the lawsuit, be demanded.

Very truly yours,

OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.

Roberto S. Bren

Roberta S. Bren

RSB/GMA/ssb {I:\atty\rsb\bard\3528-259381US-STORY-LTR.DOC}

Enclosure(s): Printouts

cc: C. R. Bard, Inc.

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<u>Archive-name: Bondage/satnite5.txt Archive-author:</u> Archive-title ...

... The Bitch got out a funny nozzle, which was really a double **bardex**, and dabbing a bit of KY jelly on the tip inserted the tip up inside of me. ...

protovision.textfiles.com/sex/EROTICA/S/satnite5.txt - 11k - Supplemental Result - <u>Cached</u> - <u>Similar pages</u>

March 4, 1990 As promised, reviews of the enema movies I have. I ...

... patient. With his ``nurse's" help he administers a forced-enema to the bound patient in a hospital setting, using a **bardex** nozzle. ... protovision.textfiles.com/sex/EROTICA/G/goldvid.txt - 21k - Supplemental Result - <u>Cached</u> - <u>Similar pages</u>

THE SPECIAL REFORM SCHOOL FOR GIRLS III ...

... "It's a **Bardex** nozzle, Lori ... She disconnected the tube from the **Bardex** nozzle that was still firmly in place in Lori's bottom and walked around to beside her. ...

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<u>Archive-name: Changes/pamela8.txt Archive-author:</u> Pamela (tv) ...

The ice water enema had my guts tied up in knots. Without the **Bardex**, there would have been no way for me to make it without an accident. ...

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Archive-name: Changes/pamela7.txt Archive-author: Pamela (tv) ...

... Kay and I each have a double **Bardex** catheter which we're going to put inside you. ... There was no way she would be able to reach around to remove the **Bardex**. ... protovision.textfiles.com/sex/EROTICA/P/pamela7.txt - 32k - Supplemental Result - Cached - Similar pages

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sure you to do it in such a way that we can all sit in front of her and watch her as the water or whatever flushes in and out of her.

"Hell, someone will have to put it in because it won't go in all by itself", the Bitch replied.

"Isn't there something we can use to make it go in while we all watch?", he asked.

"Well we do have a low pressure pump that we use here that should do the trick", she answered.

"Can it be slowed down enough that she takes it slow and feels every drop?", he asked.

"Oh!, but after she gets three quarts in her, she will feel every drop anyway,...you can bet on it!"

"I don't want to bet on it", he said, "I want to see it!"

Well, they got right to it and fastened my wrist cuffs to the ropes that were still hanging from the ceiling. They pulled my arms tight and before I knew it I was up on my tip toes. Once they had the ends of the ropes tied off they took some more rope and fastened them to each of the ankle cuffs. As my legs were being pulled apart I felt the weight of my body being tugging at my arms. Soon, that is how I stayed as my feet were swaying gently off the floor and I was in the shape of a big cross.

The Bitch got out a funny nozzle, which was really a double bardex, and dabbing a bit of K-Y jelly on the tip inserted the tip up inside of me. I felt her inflate the inner bulb, and then the outer one, pulling them tightly together and closing the bardex tube off. She gave them a small tug to make sure that they were set tight in place...as if my face didn't tell her that.



At that point she walked out of the room and came back with this little pump. It was smaller than the one I had used at home, but I had no doubt in my own mind that it would do it's thing. I knew from experience that once it was turned on that there would be no way I could hold back any of what someone wanted to put I had tried on several occasions in the past, so now I into me. just relaxed and waited until it was over. Hell, the Bitch left the room again and this time she was gone a few minutes longer. When she returned she had a large glass water bottle with a measured amount of water in it. She sat it down behind me next to the pump.

"How much is in it?", the third man asked her.

involuntarily as it started to push into her. The nozzle was very thick and Lori gasped as the thickest part pushed into her sensitive hole. Bound as she was, there was nothing she could do about it. A moment later and the nozzle was in place. Her tiny rear opening was grasping the thinner part of the nozzle as she was held open helplessly by the plastic intruder. She felt some movement in her bottom and the nozzle seemed to expand inside of "It's a Bardex nozzle, Lori.", said Miss Paltir, "It will prevent the nozzle from being pushed out." The nozzle was now a little uncomfortable as it had gotten fairly large but Lori knew that it was now not going to be removed until Miss Paltir decided The rush of warm water now started to fill Lori as the clamp on the tube was released. It filled her slowly and kept filling her. Lori looked down and watched her tummy slowly expand to accommodate the fluid. Her tummy got tight as it continued and Lori was beginning to feel uncomfortably full. Finally, the water stopped. Lori's breathing in short ragged breaths. She was hoping that she wouldn't have to wait for more than a moment or two because she was so full. "Please..", she begged, "Please let me go to the bathroom." Miss Paltir smiled. She disconnected the tube from the Bardex nozzle that was still firmly in place in Lori's bottom and walked around to beside her. Her hand stroked Lori's full tummy and gently massaged her. Lori, you'll have to wait until I let you.", she said. Lori closed her eyes. Each second seemed like an hour as she waited. Miss Paltir hands were at once soothing and exciting. roamed all over Lori's young body. She felt her soaking pussy stroked, her nipples were pinched and the nozzle in her ass was playfully tugged at. Finally after 10 minutes or so, Miss Paltir undid her bonds. Lori had to be helped from the table and over to the toilet. When Miss Paltir released the nozzle and pulled it from her, it was an incredible relief for Lori. Miss Paltir left her for a few minutes to expel the enema as she ran a bath for the young girl. Lori got into the bath and Miss Paltir began to scrub her from head to toe. It was very relaxing and also exciting as Miss Paltir made sure to pay special attention to the more sensitive areas of the teenager's body. Her hair was next and by the time it was all over, Lori was glowing. Her hair was shining, her body was a rosy pink all over. Her nipples which were more or less constantly erect here were sticking out from her firm breasts. Lori's leather wrist cuffs were attached behind her back and a leash was attached to her collar. Miss Paltir led her by the leash out of the bathroom, down the stairs and into the study of the principal. Lori's heart started beating faster as she walked into the study. For the last three weeks, Lori had undergone most of her training here. felt the hot feeling of the crop and a variety of other instruments of discipline as she was tied down for punishment. As she walked in the door the first thing she noticed were her parents. Lori's eyes opened wide. Her parents came right over

double Bardex catheter which we're going to put inside you. It will not harm you in any way, but you will feel some pressure as we inflate the balloons. This device is a necessary part of your punishment as you will see later."

"Kay, do you remember how to use these?"

"Yeah, I think so. If I have any difficulty I'll let you know."

"Perhaps you should tend to Pamela and I'll take care of Susie. It's already lubricated so I think you'll find it very easy to insert, considering how 'prepared' she must be."

I felt the pressure of the <u>Bardex</u> against my "pussy" as Kay applied the pressure to guide it home. To my embarrassment, it slid home quite easily because of the tunnel created by the butt plug. I heard Susie moan as Sabina performed the more difficult task of insertion into Susie's tight ass hole. "MMMeooowwwff", Susie howled as the balloon inside her inflated and the one on the outside expanded to create a very effective, leak-proof seal at her anus.

After observing that Sabina had squeezed the bulb a half dozen times, she applied a like number to my own and I whistled through my gag as the thing expanded inside me.

"Before you remove the bulb Kay, let me check the pressure." Sabina gave a test squeeze to the bulb. "It isn't inflated enough Kay. Pamela's a lot bigger than she used to be down there." After a dozen more squeezes of the bulb, she was satisfied that I was totally filled and incapable of expelling the device. She had Kay give a squeeze so she could feel the back pressure in the bulb and Kay nodded her understanding.

Kay walked behind Susie to perform the same test. I heard Susie gasp again as she pumped still more air into the balloons.

"Don't blow it up too much or there won't be enough room later." Sabina and Kay laughed as they detached the bulbs from their ports and put them back in the cabinet.

"This is an excellent way to keep your subjects under control, even without any other restraints. If the slave doesn't have access to the syringe or the squeeze bulb, it's impossible to remove the catheters. I usually use it on my slaves when they have to leave the house for any length of time so they won't forget who's in control. Evacuation of the bowels is impossible and it's very humiliating for them to have to remove the retaining clip in order to urinate. It allows you to send the slave out alone on errands without fear that they will run away."

"I'll keep that in mind Sabina. It will be very useful in training some of my more unruly slaves."

Archive-name: Changes/pamela8.txt

Archive-author: Pamela (tv)

Archive-title: Pamela's Story - 8

CHAPTER VIII

The trip to the bathroom felt like the longest journey I had ever take. The ice water enema had my guts tied up in knots. Without the Bardex, ther would have been no way for me to make it without an accident. In my haste, I stumbled several times along the way due to the uncertain gait caused by the six inch heels. Susie seemed to have similar difficulty with the cramping, although she was far more adept at walking in the stiletto heeled shoes our Mistresses made us wear. Susie got to the bathroom first and attempted to attach the Bardex bulb by herself. She squatted and reached down between her legs in an effort to locate the fitting, but the hinged has cuffs would not allow her to twist her forearms into the proper position. When I arrived, she was already squealing in frustration over her inability to attach the bulb.

"Oooohhh Pamela, I can't get it connected! These damned hand cuffs ar in the way. I can't turn my wrists at all!" Kay was right. The hinged cuffs would force us to help each other in order to gain relief.

"Susie...calm down. I'm going to help you." While the corset and the cramping made it very difficult, I managed to crouch down and attach the Bardex bulb to the port. I then released the air valve, causing the balloom to deflate so the catheter could be removed. Susie instantly seated hersel on the porcelain throne, while I stood anxiously waiting for her to relieve herself.

It seemed like years, but it was probably only a few minutes before Susie finished and was able to assist me. While I was tending to the compelling business at hand, I heard our Mistresses laughing in the doorway in amusement over the spectacle we were providing for them.

"You two sure are a sorry lot. Just look at you----all sweaty and pale." Sabina removed the hand cuffs. "Go upstairs and take a hot shower....you can both remove your makeup as well, seeing as how it's all messed up from the perspiration. While you're doing that, Kay and I will make something for us to eat. It should be ready by the time you're finished, so just put on the robes we left for you and come back to join us Then we can all have some dinner and discuss our future plans for the two o you."

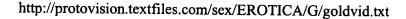
When we got upstairs, Susie gently rubbed her mistreated tits. "God, my nipples hurt. I love my Mistress a lot, but I hate it when she makes me wear those blasted clamps. One time, she made me wear them under my bra while we were at a dinner party. They hurt like hell and I couldn't concentrate on anything else. Even though I wore a shawl to cover their

X-rated movie houses in the late seventies. It has a number of well-known porno stars, led by Jamie Gillis, who plays the role of the Enema Bandit. All the acting is quite good, and since the movie is based on a real series of events, the plot hangs together very well. The video quality should also be also better than usual, because it's a transfer from film.

``Waterpower'' is a fairly viol nt movie, both because the actual Enema Bandit forcibly administered enemas to his victims, and also because D/S seems to be a hallmark of Jamie Gillis, who is unquestionably into what he is doing. There are 4 enema scenes, all arousing:

- (1) The Enema Bandit goes to an enema parlor and observes a client playing enema-doctor to a bound patient. With his `nurse's'' help he administers a forced-enema to the bound patient in a hospital setting, using a <u>bardex nozzle</u>. She then expels into a bedpan, although you don't see much of that.
- (2) The Enema Bandit breaks into the apartment of his neighbor, who has ``dirtied'' herself by having sex, and forces her into the bathroom where he has anal sex with her (I'm pretty sure of this, although the scene is neither long nor detailed). He then has her crouch down by the toilet to receive an enema for purification, which she expels into the bathtub (again, not too explicitly filmed).
- (3) The Bandit breaks into the apartment of two lesbians, has anal sex with one of them (short scene), and then gives them both enemas while they are tied standing-up in the shower.
- (4) A policewoman trying to catch the Bandit succeeds in luring him to her apartment but, while she is out of the room, he discovers her real identity. When she returns he ties her up, explains at some length that she must have wanted the case because she secretly likes enemas, and then leads her to the bathtuburifin which she is placed, bottom-upwards. He squats behind her and administers an enema using a straight-plastic nozzl which he periodically removes, presumably so that we can witness the water coming back out (which we do see). He also penetrates her anally at one point during this procedure. The scene then fades out, only to return with the Bandit preparing to administer an enema with a bardex nozzl . He leaves the apartment while the water is going in, and the policewoman is eventually rescued by a policeman friend.

I have to say that this is a movie that is near and dear to my heart, because I grew up in the town where the REAL enema bandit struck, I was in junior high at the tim and the reports in the paper (not very explicit obviously) gave me an almost continual hard-on. And this



Enema, Ms. Marilin's Rectal Irrigation, Nurse's Prep, Wendy's G.I. Prep) have a `visiting nurse' enema scenario, which doesn't really work for me. I like the idea of a nurse/patient enema that is given in a hospital setting, where the patient is completely at the mercy of the nurse, well away from the comfort (slight though it may be) of her own home, unable to protect or defend herself in any way from the inevitable administration of the enema. There's obviously a D/S theme there, and in keeping with that my favorite Tyler films are, `A Mother's Touch'', `In Desperate Need'', `Revenge Enema'', and `Stacey Learns Her Lesson'', all of which involve spanking and D/S. Don't get too excited about the spanking though—these people are into enemas, not spanking, so the spankings ar just OK. If you want real spanking try Nu-West and related companies.

Finally, on to the subject of expulsion. Yes, most of these videos do indeed show actual expulsion--quite viewable--of the enema. The model squats with her back to you, over a bedpan or plastic bucket, the nozzle is pulled out, and she lets fly. This may sound gross, but it isn't. What comes out is basically as crystal-clear as perrier water (without the benzene, I hope for the model's sake). It would be interesting to see a video of the models PREPARING for a shoot--for the water to end up being that clean I would guess they take three or four enemas (at least) before they start filming. No brown showers here.

A Mother's Touch (30 min)

``Carla, a voluptuous blonde, returns from her date to find her mother waiting and upset because she stayed out so late and took her car. Mother gives her a good over-the-knee spanking plus a two quart enema using the Davol Paris Red combination bag and black douche nozzle. Tap features very good spanking scene. Carla expels into the john.''

"'Voluptuous'' means somewhat overweight (she's young enough to carry it off). Video quality adequat story line and acting excellent!

High-Volume Enema (13 min)

"Short--but to the point! Sandy finds herself in need of a G.I. series, and to prevent possible embarrassment from her fellow workers doing the prep, she returns to Wendy for help [see Wendy's G.I. Prep.]. Sandy, however, does it all in one shot! She has Wendy prepare a full, four-quart enema using the red Sherema bag and barder nozzle. Wendy's a little new at giving, making the insertion of the nozzle long and detailed. With Sandy wearing her white undergarments only, she takes ALMOST the entire four quarts prepared by Wendy. Tap features full bag preparation, excellent

close-ups, partial intake expelled into bedpan.''

In Desperate Need (30 min)

``Vicki and Suzanne have a scene in the bedroom. Vicki is constantly complaining of a tummy-ache from all the junk food she at so Suzanne decides that what she really needs is a good spanking and an enema. She gives her a 2.5 quart enema using the red open-top bag and a <u>double-bardex nozzle</u>. Vicki expels into the john. Average spanking scene; good close-ups. [see also Revenge Enema]''

Both models have a sense of humor, which actually adds to the eroticism since it makes their acting less wooden. The video quality could be better, and there are some technical glitches (mainly radio nois), but I liked it and its companion, ``Revenge Enema.''

Ms. Marilin's Rectal Irrigation (35 min)

``Ms. Marilin starring in her FIRST video tape with Nurse Amy. Marilin seems to need an operation and Nurse Amy is just the one to prepare her for it. Amy, clad in full uniform, arrives at Marilin's place early to get started. First, she takes her pulse, etc., and then her first rectal temp. In need of a complete clean-out, Amy prepares the first of two enemas for Marilin. The first, using an open-top, white Victorian bag with white tubing and white douche nozzl . On her right side, Marilin sucks the entire contents. After expelling the first, Amy then prepares her second and more powerful enema using a 2.5 quart open-top red Davol bag, amber latex tubing and 32 french scale rectal tube. After taking her temp. again [rectally, as if there were any doubt], Amy begins the insertion of the rectal tube and starts the flow of water. The entire length is inserted and the entire bag is emptied into Ms. Marilin. With a full tummy, Amy helps her into the bathroom where she expels. Incidentally, Marilin is clad in an original, authentic hospital jonny [the slit gown with easy-access to the patient's rear-end]. Definitely a winner for her first (of many). Video quality, good, video content is excellent, some audio nois from radio transmitter interferenc but very audible regardless.''

Nurse's Prep. (40 min)

`Nurse Anderson shows up early AM and prepares Lisa for a G.I. series. Lisa is given a series of three enemas, all from a clear plastic bag, totalling about three quarts, and using a white plastic tip, a colon tube, and a <u>double bardex</u>. Lisa expels into the john after each one. Tap features excellent close-ups of insertion.''



"Just wait a minute, Susie. We have to get Pamela undone first." With that, Kay slapped the hinged handcuffs on Susie's wrists as she continued to hold her gut. "We're trying to foster a spirit of cooperation between you two, so we want to be certain that you'll have to help each other remove the enema retention catheters. Sabina will see to the Foleys herself."

Susie's wrists were now helplessly imprisoned in front of her. There was no way she would be able to reach around to remove the <u>Bardex</u>.

Kay hit the remote button to lower me to the floor, and turned to assist Sabina who was already busy releasing me from my bondage.

Finally, I stood there wobbling on my heels, grabbing my gut, and anxiously shifting my weight from one foot to the other, when Sabina manacled my wrists together with another pair of Smith & Wessons. "You heard what Kay said to Susie. You're going to have to remove her Bardex... and she's going to have to remove yours. Here are the squeeze bulbs. You'll have to attach it to the port on the catheter in order to deflate the balloons. Before you go though, let me rid you of those Foleys."

Sabina clipped the ends of both of the Foleys and, using a syringe to withdraw the saline solution from inside the internal balloon, very carefully pulled it free from my bladder. There was a visible trace of blood on the device resulting from the insertion of the tube past the bladder's sphincter muscle. She immediately turned to Susie and repeated the process.

"Mistress Sabina? Mistress Kay? Can we go now?" My voice was shaky as I continued to hold my cramping belly.

"Yes....and from the look of you two, I think you'd better hurry." Sabina motioned for us to leave as Kay smiled behind her.

We must have been quite a sight as we both hurried to the stairwabent over and holding our guts, walking unsteadily on six inch high heels, with the clearly visible Bardex balloons poking out of our ass holes.

<TO BE CONTINUED>