

Best-Selling iPhone Developer Tells Competitor: Pull My Finger

iFart Mobile Owner Files Suit to “Clear the Air” with Air-O-Matic

Loveland, CO – February 13, 2009 – In what can truly be called “breaking news”, InfoMedia, Inc., developer of iFart Mobile, has filed a complaint for declaratory judgment against Air-O-Matic, Inc. in Colorado Federal court, seeking a ruling that the phrase “pull my finger” is a common, descriptive phrase not protectable by Federal trademark law.

On December 12, 2008, iFart Mobile and Pull My Finger exploded on to the Apple iTunes App store, an ecommerce system designed for iPhone and iPod Touch owners to purchase and download applications to their devices. In what can only be described as a free-market demonstration, iFart Mobile quickly became the most purchased application of its genre, rapidly ascending to the #1 spot in the iTunes U.S. store as Pull My Finger experienced a precipitous fall from the charts as it ran out of gas.

The phrase “pull my finger” is widely understood and generally known as a joke regarding flatulence. However, iFart Mobile’s use of this common phrase in very limited marketing has raised the ire of Air-O-Matic, Inc. , the developer of the Pull My Finger application, who is claiming that InfoMedia’s use is a trademark violation and is somehow responsible for the decline and dismal sales of Pull My Finger. Air-O-Matic neglects to mention that the success of iFart Mobile has led to an explosion of over eighty (80) copy-cat fart applications in the app store.

While InfoMedia CEO Joel Comm has been gracious in ceasing usage of the phrase as an act of good will, Air-O-Matic’s counsel has demanded recompense for alleged “trademark infringement.” A letter to InfoMedia accuses iFart Mobile of “unfair trade practices” that have resulted in damages to Air-O-Matic.

In their correspondence to InfoMedia, Air-O-Matic has alluded to the fact that a significant number of users may have chosen iFart Mobile as superior over their own app. Just as Comm has been gracious in previous demands from Air-O-Matic, he suggested open communication with the competitor’s CEO. However, rather than accept InfoMedia’s offer to shoot the breeze, Air-O-Matic has chosen to blow a gasket, threatening InfoMedia with gaseous litigation and demanding \$50,000 for supposed recompense.

InfoMedia and their counsel contend that the phrase “pull my finger”, as used in InfoMedia’s marketing efforts, predates all mobile and home computer technology by more than a few decades, and is thereby not eligible for federal trademark protection.

While the origin of the joke is unknown, a comparable activity is referenced in a short story in Mordecai Richler's collection, *The Street* (1969), wherein Richler writes of a character:

“He settled in sullenly at the kitchen table, his smile morose, and suddenly he would call out, "Pull my finger!" If you did he let out a tremendous burp.”

As a result of Air-O-Matic's hot air and unreasonable demands, InfoMedia has been forced to unleash a blue bomber of a lawsuit asking a Federal judge to issue a declaratory judgment stating the InfoMedia has done no wrong in using the term "pull my finger" in their marketing, and demanding Air-O-Matic to recompense InfoMedia for all legal costs associated with their flatulent posturing.

"Accusing my company of violating trademark law with use of the term 'pull my finger' is a ludicrous attempt to mask the clear victory established by iFart Mobile in the free marketplace." says InfoMedia, Inc. CEO Joel Comm. Comm continues, "While it is unfortunate that the Pull My Finger application could not compete on its own merits, I find their threats to be little more than vapor."

InfoMedia, Inc. is Loveland, Colorado-based new media and marketing company focused on exploring technology for business and consumers. Providing a fourteen-year track record of building profitable Internet sites and software, InfoMedia leads the way in innovative, entertaining and educational uses of the Internet and new technologies. For more information or interviews, contact Joel Comm at 970-278-0011.

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