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August 9, 2022

Ben & Jerry's Homemade, Inc. v. Conopco, Inc.
No. 1:22-cv-05681 (ALC) (S.D.N.Y.)

Dear Judge Carter:

This firm represents Defendant Conopco, Inc. ("Conopco") in the above-titled matter. During oral argument, Your Honor asked how past distribution of Ben & Jerry's ice cream in Israel would compare to future distribution, and I was unable to provide a complete answer as to past practice. What I can now tell the Court is that: historically, the Ben & Jerry's name (and other variant names used in the business, e.g., Chunky Monkey) have only appeared in English on the packaging used to sell Ben & Jerry's ice cream in Israel and the West Bank. Under the new business arrangement, Ben & Jerry's products in Israel and the West Bank will be labeled only with the Hebrew or Arabic language Ben & Jerry's trademark, and not with English trademarks. What's more, there is no contemplation of transferring any English trademarks to Mr. Zinger, as those trademarks were expressly excluded from transfer under the Business Transfer Agreement, nor is there contemplation of granting Mr. Zinger any future licenses. Unilever has sold off, and Mr. Zinger is now the owner of, the Ben & Jerry's business in Israel and the West Bank under the Hebrew and Arabic trademarks; his website will be updated accordingly.

Respectfully submitted,

/s/ David R. Marriott
David R. Marriott

Hon. Andrew L. Carter Jr.
United States District Judge for the Southern District of New York
Thurgood Marshall United States Courthouse
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