







to sell [to].”<sup>8</sup> ECM uses a common metaphor to characterize this class of businesses in contrast to those outside the class.<sup>9</sup> Significantly with respect to the merits, ECM states that it “currently employs” this approach.<sup>10</sup> Most important here, however, in the correspondence itself—which is four years old—ECM does not identify any particular company or set of companies as potential clients. ECM’s distributor focuses on one international firm, but ECM counsels against selling to that firm because it falls outside of the general class of potential customers that ECM recommends pursuing—and still pursues. Regardless, the class of companies that ECM suggests





