

09/18/2003 THU 13:52 FAX 563 387 9333 Sweet

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Walter K. Young

215-545-4009

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1201 Third Avenue, Suite 4000
Seattle, WA 98101-3099
Phone: 206.469.1888
Fax: 206.469.8500
www.perkinscole.com

September 16, 2003

Mr. Walt Young
Sweet, an Ortivus Company
2324 Sweet Parkway Road
Decorah IA 52101

Re: Sweet, an Ortivus Company - Amazon.com Trademark Letter Agreement

Dear Mr. Young:

Further to our conversation regarding the above referenced matter, this trademark letter agreement resolves the dispute that has arisen between Amazon.com, Inc. ("Amazon.com") and Sweet, an Ortivus Company ("Sweet") regarding Sweet's use of the trademark AMAZON and its application to register the same with the United States Patent & Trademark Office. Without admitting any wrongdoing, and in effort to resolve this matter amicably, the parties agree as follows:

1. The parties acknowledge and agree that, as between the two of them, Sweet shall have the unrestricted right to use the trademark AMAZON in association with computer software and software design for the emergency medical services industry, and computer software maintenance and technical support services for the same ("Sweet's Goods and Services"), and Amazon.com hereby consents to, waives any claim against, and covenants not to sue or otherwise object to such use. Sweet shall restrict its use of the AMAZON mark to Sweet's Goods and Services.

2. The parties acknowledge and agree that, as between the two of them, Amazon.com shall have the unrestricted right to use and register the trademarks AMAZON and AMAZON.COM, and variants thereof ("Amazon.com's Marks"), as trademarks in association with any goods or services, except Amazon.com agrees not to use the Amazon.com Marks in association with Sweet's specific Goods and Services, and Sweet hereby consents to, waives any claim against, and covenants not to sue or otherwise object to such use or registration. However, and notwithstanding anything contained in this Agreement to the contrary, Sweet consents to and shall not oppose or otherwise challenge Amazon.com's use and registration of any trademark, tradename, business identifier or domain name that includes the word "Amazon" to advertise, feature, promote, offer for sale, sell or distribute a wide variety of

ANCHORAGE - BEIJING - BELLEVUE - BOSTON - CHICAGO - DENVER - HONG KONG - LOS ANGELES
MENLO PARK - OLYMPIA - PORTLAND - SAN FRANCISCO - SEATTLE - WASHINGTON, D.C.

Perkins Cole LP (Perkins Cole LLC in Illinois)

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MENLO PARK - OLYMPIA - PORTLAND - SAN FRANCISCO - SEATTLE - WASHINGTON, D.C.

Perkins Co's LP (Perkins Cole LLC in Illinois)

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Walter K. Young

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goods and services, including goods and services in the medical field and including Sweet's Goods and Services, provided that any such good or service is not branded by Amazon.com using any trademark incorporating the word Amazon.

3. Within seven (7) days from the execution of this Agreement, Sweet shall expressly abandon its trademark application for AMAZON that it has filed with the United States Patent & Trademark Office (Serial Number 78142610) by filing the Notice of Express Abandonment attached hereto as Exhibit A. Sweet agrees that it shall not file any trademark application anywhere in the world for the trademark AMAZON or a confusingly similar variant thereof.

4. The parties acknowledge that they have no knowledge or evidence of any confusion arising from their uses of their respective trademarks, and the parties do not believe that any confusion between their respective trademarks is likely.

5. The parties agree to consult and cooperate with one another in good faith to resolve or prevent any future conditions or developments that suggest to either party the likelihood of confusion between the parties' respective trademarks.

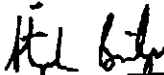
6. This Agreement shall be binding upon and inure to the benefit of the parties hereto, their successors, assigns, licensees, parents, affiliates and subsidiaries, including their officers, agents and employees, so long as the parties to this Agreement continue to use their respective trademarks that include the word "Amazon."

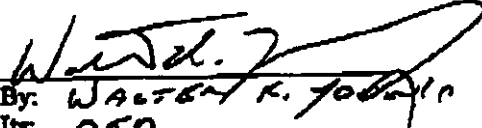
7. This Agreement sets forth the entire agreement between the parties. No agreement changing, amending, extending, superseding, rescinding, terminating, or discharging this Agreement or any provisions hereof shall be valid unless by a signed writing. No waiver or any breach hereof shall be construed to be a continuing waiver or consent to any subsequent breach hereof. If any provision of this Agreement is invalid or unenforceable, it shall not affect the validity or enforceability of the other provisions.

IN WITNESS WHEREOF, the parties hereto execute this document on the dates written below.

AMAZON.COM, INC.

SWEET, AN ORTIVUS COMPANY


By: Stephen Bishop
Its: Assistant Secretary
Date: 19 Sept 2003


By: WALTER K. YOUNG
Its: CEO
Date: 9/16/03

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EXHIBIT A

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Ms. Karen Bracey
Examining Attorney
Law Office 116
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Re: Notice of Express Abandonment
Applicant: Sweet, a/k/a Ordvms Company
Mark: AMAZON
Serial No.: 7814261(i)

Dear Ms. Bracey:

Please be advised that Applicant is writing to expressly abandon its trademark application regarding the above mark. Thank you for your attention to this matter.

Very truly yours,

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail on _____, _____, in an envelope addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, Attn: Examining Attorney, Law Office

Signature: _____
Printed Name: _____

09/16/2003 THU 13:54 FAX 563 387 9333 Sweet

006/006

received: 9/16/03 11:31AM

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Walter K. Young

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Fax Transmittal

LEGAL DEPARTMENT

TO:	Brent Sanders, Esq.	FROM:	Kate Navarro
FAX:	206-359-4104	FAX:	206/266-7010
DATE:	September 19, 2003	PHONE:	206/266-1599

*Pages
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cover)* 6

Re: Sweet, an Ortivus Company - Amazon.com Trademark Letter Agreement

 This fax message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and as such is privileged and confidential. If the reader of this message is not the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this fax in error, please call us (collect) at (206) 694-2335 and return the original to: Amazon.com 1200 12th Ave S Suite 1200, Seattle, WA 98144-2790

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Ms. Karen Bracey
Examining Attorney
Law Office 116
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

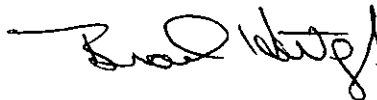
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Applicant: Sweet, an Ortivus Company
Mark: AMAZON
Serial No.: 7814261(i)

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Very truly yours,



Director of Marketing.

Sweet, an Ortivus Company

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail on Sept. 19 2003 in an envelope addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, Attn: Examining Attorney, Law Office

Signature: Brad Hertges
Printed Name: Brad Hertges

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9:50a

Walter K. Young

215-345-4009

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