IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

U.S. Patent & TMOfc/TM Mail Rcpt. Dt. #57
05-08-2002

APPLICANT:	**TOM LYNCH (an individual)**
OPPOSER:	**LEO STOLLER d/b/a CENTRAL MFG. CO.**
APPLICATION SN:	**76-128,508**
TRADEMARK:	**HAVOC MEDIA DESIGN**
INT. CL. NO:	**35 & 42**
FILED:	**September 14, 2000**

TRADEMARK TRIAL AND APPEAL BOARD
02 MAY 15 AM 8:23

Ms. Jean Brown
Board Administrator Attorney,
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513
703 308-9300

Dear Ms. Jean Brown:

In the instant case, we appreciate your serving upon the Applicant, the Opposer's Notice of Opposition.

Applicant's trademark published for opposition on January 8, 2002. Opposer filed a timely extension to oppose on January 8, 2002. A copy of the Request For a Ninety Day Extension and post card receipt from the PTO is attached.

This Notice of Opposition was sent **Express Mail No: ET712380866US** with the U.S. Postal Service on May 8, 2002.

Please find the $600.00 fee.

Most Cordially,

Leo Stoller
CENTRAL MFG. CO., Opposer
Email - Leo@rentamark.com
Trademark & Licensing Dept.
P.O. Box 35189
Chicago, Illinois 60707-0189
773-283-3880 Fax 708/283-0083

Dated: May 8, 2002

IN THE UNITED PATENT & TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL & APPEAL BOARD

LEO STOLLER d/b/a
CENTRAL MFG.
P O Box 35189
Chicago, IL 60707-0189
Potential Opposer,

vs.

HAVOC MEDIA DESIGN
236 South Greenleaf Avenue
Staten Island, New York 10314
Applicant.

Trademark: HAVOC MEDIA DESIGN

Application SN: 76-128,508

Int. Class No: 035

Filed: 9/14/00
Published: January 8, 2002

Box TTAB/NO FEE
(IN TRIPLICATE)

01-28-2002
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #74

REQUEST FOR A NINETY DAY EXTENSION

OF OPPOSITION PERIOD

NOW COMES the Potential Opposer and requests a extension of ninety (90) days from the present close of the opposition period, up to and including May, 8, 2002 within which to consider the filing of an Opposition to the above identified application for trademark registration.

Potential Opposer invites opposing counsel to contact the Potential Opposer at Tel No. 773/283-3880 (L. Stoller) in order to discuss settlement of this potential trademark controversy as between the parties and/or to file an express abandonment.

This extension is requested to investigate facts, obtain documentation, and to enable the Potential Opposer to consider its position with regard to opposition of this application.

Respectfully submitted,

Leo Stoller

By: Leo Stoller D/B/A
Central Mfg., Potential Opposer
Trademark and Licensing Department
P.O. Box 35189
Chicago, Illinois 60707-0189
773 283-3880 FAX 708 453-0083

Dated: January 8, 2002

Certification of Mailing
I hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to: Box TTAB/NO FEE, Asst. Commissioner of Patents and Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513

Leo Stoller

Leo Stoller
Dated: January 8, 2002
C:\WS\MARKS24\HAVMED.EXT

Central Mfg. v. Havoc Media Design

Date: Jan 8, 2002

TM: Havoc Media Design

app. SN: 76-128,508

Request for A Ninety Day Extension of Opposition Period.

Int. Cl. 035

01-28-2002

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #74

#340

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

LEO STOLLER d/b/a CENTRAL MFG. CO. P.O. Box 35189 Chicago, IL 60707-0189	Opposition No:	_____
	Trademark:	**HAVOC MEDIA DESIGN**
Opposer,		
vs.	Application SN:	76-128,508
TOM LYNCH (an individual) 236 South Greenleaf Avenue Staten Island, New York 10314	Int.Class No:	35 and 42
	Filed:	September 14, 2000
Applicant.	Published:	January 8, 2002

_____/

TTAB/FEE
(IN TRIPLICATE)

U.S. Patent & TMOfc/TM Mail Rcpt. Dt. #57
05-08-2002

HAVOC vs. HAVOC

NOTICE OF OPPOSITION

1. In the matter Application SN 76-128,508, for the mark **HAVOC MEDIA DESIGN**, in Int. Class 35 for **advertising agency services** and Class 42 for **graphic art design and illustration services; the creation of animated designs for others.**

2. The Opposer, or it's predecessor in title, has priority of use of the mark *HAVOC* in Common Law on a broad range of goods and services and Federal Trademark Registration No. 1,623,790 and applications, which list a broad range of goods and services. The Opposer pleads that it has prior Common Law rights in and to the mark HAVOC , similar goods, related goods, and competitive goods; **advertising services, graphic art design and illustration services, and web design** and other goods and/or services sold in the same channels of trade, and sold to the identical customers that Applicant's services are sold in, and/or are to be sold. The Opposer or it's predecessor in title, has priority of use of the mark *HAVOC* on similar services as early as 1986. **See attached Federal Trademark Registration No. 1,623,790.**

3. The Opposer, has priority of use of the mark *HAVOC* in numerous classes of goods and services. The Opposer holds rights to a family of *HAVOC* marks, promoted together, as are well known to the Applicant, which goods and/or services are sold in the same channels of trade and to similar customers as Applicant's since at least as early as 1981 and hereby opposes

registration of the confusingly similar mark **HAVOC MEDIA DESIGN**, Application Serial No: 76-128,508.

4. Prior to the initiation of this opposition, the Opposer had communications with the Applicant regarding this controversy. See attached true and correct letters written to the Applicant on *March 1, 2001.*

5. Opposer has sold its goods and/or services listed in the aforesaid Registration under the aforesaid *HAVOC* mark as herein before referred to throughout the United States. Opposer has developed an exceedingly valuable goodwill in respect to the *HAVOC* marks covered by the aforesaid registration.

6. By virtue of its efforts, and the expenditure of considerable sums for promotional activities and by virtue of the excellence of its products, the Opposer has gained for its listed marks a most valuable and famous reputation.

7. The Opposer licenses the *HAVOC* mark for a wide variety of collateral merchandise and expends substantial sums of money on policing the use of Opposer popular and famous trademark on a broad range of goods.

8. The Opposer forcefully extended its well-known trademark into various industries in handling successfully such a brand extension.

9. The Opposer holds rights [1], in the following well-known *HAVOC* trademark registration and notice is hereby given that Opposer relies upon this *HAVOC* Registration.

10. The Opposer has forcefully extended its well-known trademark into the Applicant's market and today is a model for others in the trademark marketing and licensing industry and

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1. **§16.13 McCARTHY ON TRADEMARKS, II. Ownership. Who Is Owner Of Trademark, [1] Introduction,** Trademarks have often been held to be a kind of "property." In discussing "ownership of a trademark, we must recognize that we are dealing with intangible, intellectual property. "Ownership" means that one possesses a right which will be recognized and upheld in the courts: To say one has a "trademark" implies ownership and ownership implies the right to exclude others. If the law will not protect one's claim of right to exclude others from using an alleged trademark, then he does not own a "trademark", for that which all are free to use cannot be a trademark. Application of Deister Concentrator Co., 48 CCPA 952, 289 F.2d 496, 129 USPQ 314 (1961). Trademark ownership inures to the legal entity who is in fact using the mark as a symbol of origin. The Federal Trademark Register can be rectified in order to correct the ownership of a registered mark or a pending application. Chapman v. Mill Valley Cotton, 17 USPQ2d 1414 (TTAB 1990) (Opposer Alpha alleged that she, not applicant, owned the mark. Applicant was a joint venture composed of parties Alpha and Beta. After some litigation in state court, the parties filed an assignment from party Beta to party Alpha amounting to a concession that Alpha was indeed the owner of the mark. The Board viewed the TLRA 1989 amended version of §18, which permits rectifying the "register" as broad enough to include changing the name of the owner of an application, as well as of an issued registration.

in handling successfully brand extension as well known to the Applicant.

11. The trademark proposed for registration by the Applicant, namely **HAVOC MEDIA DESIGN** is substantially incorporated in its entirely in Opposer's mark *STEALTH* and **HAVOC MEDIA DESIGN** is applied to similar services as those sold by Opposer and so nearly resemble the Opposer's mark as to be likely to confuse therewith and mistaken therefore.

12. The Applicant's mark **HAVOC MEDIA DESIGN** is deceptively similar to Opposer's *HAVOC* mark so as to cause confusion and lead to deception as to the origin of Applicant's goods bearing the Applicant's mark.

13. If the Applicant is permitted to use and register **HAVOC MEDIA DESIGN** for its services, as specified in the application herein opposed, confusion in trade resulting in damage and injury to the Opposer would be caused and would result by reason of the similarity between the Applicant's mark and the Opposer's mark. Persons familiar with Opposer's mark *HAVOC* would be likely to buy applicant's services as and for a product or service made and sold by the Opposer. Any such confusion in trade inevitably would result in loss of sales to the Opposer. Furthermore, any defect, objection or fault found with Applicant's services marketed under its **HAVOC MEDIA DESIGN** mark would necessarily reflect upon and seriously injure the reputation which the Opposer has established for its products merchandised under its *HAVOC* marks for over 20 years.

14. If the Applicant were granted the registration herein opposed, it would thereby obtain at least a *prima facie* exclusive right to the use of its mark. Such registration would be a source of damage and injury to the Opposer.

15. Opposer asserts that there is a likelihood of confusion between the Applicant's mark **HAVOC MEDIA DESIGN** and the Opposer's registered *HAVOC* and *HAVOC* formative marks under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d).

16. Opposer asserts that it's mark *HAVOC* is well known and/or famous and that the Applicant seeking registration of the confusingly similar mark **HAVOC MEDIA DESIGN**, which when used would cause dilution under section 43(c).

17. If Applicant's mark **HAVOC MEDIA DESIGN** is allowed to register it will

lessen the capacity of Opposer's famous mark *HAVOC* to identify and distinguish it's goods and/or services and to license it's well known *HAVOC* BRAND NAME.

18. The Opposer uses it's well-known *HAVOC* mark as a trade name, corporate name, service mark and trademark since at least as early as 1981 and is engaged in an aggressive *HAVOC* licensing and marketing program as well known to the Applicant.

19. The Opposer, located in Chicago, Illinois, believes that it will be damaged by registration of the mark **HAVOC MEDIA DESIGN** shown in Application SN 76-128,508 and hereby opposes same. The Opposer uses it's *HAVOC* mark as a trade name, corporate name, service mark and trademark and engages in an aggressive licensing program for over 20 years as well known to the Applicant.

20. The Opposer has used the trademark *HAVOC* as a trade name, service mark and house mark in interstate commerce, since at least as early as 1981, long prior to Applicant's submission of its Application for Federal Registration of the mark *HAVOC MEDIA DESIGN.*

21. The Opposer is the exclusive worldwide Licensor of the mark *HAVOC* as listed in the 1999 Licensing Resource Directory, as well known to the Applicant.

22. The Opposer has priority of use, as early as 1986, on the same and/or similar goods and/services, **advertising services, graphic art design and illustration services, and web design**, as previously stated and on the goods and services listed in Federal Trademark Registration No. 1,623,790 and applications.

23. The use of the Applicant's mark **HAVOC MEDIA DESIGN** sought to be registered in the aforesaid application is likely to blur the distinctiveness of the Opposer's famous *HAVOC* trademark.

24. Opposer and or its predecessor in title, predecessor in interest, uses its *HAVOC* mark as a corporate title or business name, as a trademark long prior to Applicant's application. Such use as the mark *HAVOC* as a salient feature as a corporate name is sufficient to preclude registration of the said *HAVOC* mark. [1]

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1. See Alfred Electronics v. Alford Mfg. Co., 333 F.2d 912, 142 U.P.P.Q. 168 (C.C.P.A. 1964); Jim Dandy Co. v. Martha White Foods, Inc., 458 F.2d 1397, 173 U.S.P.Q. 673 (C.C.P.A. 1972); Sheraton Corp. of America v. Sheffield Watch, Inc., 480 F.2d 1400, 178 U.S.P.Q. 468 (C.C.P.A. 1973); Dynamet Technology, Inc. v. Dynamet, Inc., 593 F.2d 1007, 201 U.S.P.Q. 129 (C.C.P.A. 1979); see Cyber-Tronics, Inc. v. Johnson Service Co., 156 U.S.P.Q. 583 (T.T.A.B. 1967).

25. The use of the Applicant's mark **HAVOC MEDIA DESIGN** sought to be registered in the foresaid application is likely to cause confusion, mistake or deception in the buying public or cause the public to believe that there is a connection between the parties, or a sponsorship of Applicant's services by Opposer.

26. Applicant has failed to use its mark in interstate commerce[1] in *November, 1999*, the date of first use listed in Applicant's trademark application. Applicant thereby committed a fraud on the PTO.

27. Applicant's first use date is a fraud in that Applicant, upon information and belief, never sold any goods and/or services to any valid, third-party, which would have established legitimate trademark rights on Applicant's first use date.

28. Applicant's specimens of use contained in its application are fraudulent in that they were not used in commerce on the first use date alleged in the said trademark application.

29. Applicant's specimens of use contained in its application are fraudulent in that they are not an exact representation of the mark that Applicant alleges to be using.

30. The Applicant's mark **HAVOC MEDIA DESIGN** is confusingly similar to Opposer's mark *HAVOC* mark(s).

31. The Applicant's mark **HAVOC MEDIA DESIGN** consists of three dictionary words, **HAVOC** , **MEDIA** and **DESIGN**.

32. The Applicant's mark **HAVOC MEDIA DESIGN** is identical to Opposer's mark *HAVOC* , with the words **MEDIA AND DESIGN** added.

33. Since at least as early as 1981, the Opposer has been, and is now, using the mark *HAVOC* in connection with the sale of goods and/or services in numerous classes. Said use has been valid and continuous since said date of first use and has **not** been abandoned.

34. If the Applicant is permitted to register the mark, and thereby, the *prima facie* exclusive right to use in commerce the mark **HAVOC MEDIA DESIGN** on the services licensed and sold by the Opposer, confusion is likely to result from any concurrent use of Opposer's mark *HAVOC* and that of the Applicant's alleged mark **HAVOC MEDIA DESIGN**

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1. See Community of Roquefort v. Santo, 443 F.2d 1196, 170 U.S.P.Q. 205 (C.C.P.A. 1971); Intermed Communications, Inc. v. Chaney, 197 U.S.P.Q. 501 (T.T.A.B. 1977).

all to the great detriment of Opposer, who has expended it's lifetime and considerable sums and effort in promoting its well known mark.

35. Purchasers are likely to consider the goods and/or services of the Applicant sold under the mark **HAVOC MEDIA DESIGN** as emanating from the Opposer, and purchase such products as those of the Opposer, resulting in loss of sales to Opposer.

36. Applicant's mark **HAVOC MEDIA DESIGN** when used on or in connection with the goods of the Applicant, are merely descriptive or deceptively misdescriptive of the goods.

37. The Applicant's services, defined in it's application, does not identify with reasonable certainty, what services and/or goods are to be covered under the mark **HAVOC MEDIA DESIGN.**

38. Upon information and belief, said application was obtained fraudulently in that the formal application papers filed by Applicant, stated that Applicant had a first use date of *November, 1999*. Said statement was false. Said false statement was made with the knowledge and belief that it was false, with the intent to induce authorized agents of the U.S. Patent and Trademark Office to grant said registration in that the Applicant, at the time it filed it's said use application on were in fact already using it's said mark in commerce.

39. Upon information and belief, said application was obtained *fraudulently* in that the formal application papers filed by Applicant, contained false specimens of use. Said specimens of use were false and was submitted within the intent induce authorized agents of the U.S. Patent and Trademark Office to grant said registration.

40. Upon information and belief, said statement of use of the mark **HAVOC MEDIA DESIGN** on the services and/or goods in question, was made by an authorized agent of Applicant with the knowledge and belief that said statements was false. Said false statements

were made with the intent to induce authorized agents of the U.S. Patent and Trademark Office to grant said registration.

41. Applicant's mark **HAVOC MEDIA DESIGN** was not applied for according to it's correct type, as shown in it's said application[1].

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1. See National Trailways Bus System v. Trailway Van Lines, Inc., 222 F. Supp 143, 139 USPQ 54 (E.D.N.Y. 1963), and 269 F. Supp. 352, 155 USPQ 507 (E.D.N.Y. 1965).

42. Upon information and belief, Applicant's first use application was signed with the knowledge that another party had a right to use the mark in commerce on the same or similar services and/or goods.

43. Concurrent use of the mark **HAVOC MEDIA DESIGN** by the Applicant and *HAVOC* by the Opposer may result in irreparable damage to Opposer's Marketing and/or Trademark Licensing Program, reputation and goodwill.

44. If the Applicant is permitted to obtain a registration of the mark **HAVOC MEDIA DESIGN**, a cloud will be placed on Opposer's title in and to its trademark, *HAVOC* , and on its right to enjoy the free and exclusive use thereof in connection with the sale of its goods and/or services, and on its Trademark Licensing Program, all to the great injury of the Opposer.

45. Applicant should be denied registration of it's mark because the identification of its goods, **advertising services, graphic art design and illustration services, and web design** is too indefinite to qualify for Federal trademark registration.

46. Upon information and belief, Applicant's use application was signed with the knowledge that another party had a right to use the mark in commerce.

47. The registration to Applicant of the mark **HAVOC MEDIA DESIGN** shown in the aforesaid application is likely to and will result in financial and other injury and damage to the Opposer in its business and in its enjoyment of its established rights in and to its said mark *HAVOC* .

WHEREFORE, Opposer prays that the said application for the trademark **HAVOC MEDIA DESIGN** be denied, that no registration be issued thereon to Applicant, and that this Notice of Opposition be sustained in favor of the Opposer and that Opposer is entitled to judgment.

Opposer hereby gives notice under Rule of Practice that after hearing and in any appeal on this opposition proceeding, it will rely on its *HAVOC* Registration and applications and all of the goods listed and covered thereunder, in support of this Notice of Opposition.

The Opposer prays for such other and further relief as may be deemed by the Director of Patents and Trademarks to be just and proper.

Respectfully submitted,

LEO STOLLER d/b/a
CENTRAL MFG. CO, Opposer
Trademark & Licensing Dept.
P.O. Box 35189
Chicago, Illinois 60707-0189
email info@**rentamark.com**

773 283-3880 FAX 708 453-0083

Dated: May 8, 2002

DECLARATION

The undersigned, Leo Stoller, declares that he is the Director of Leo Stoller dba Central Mfg and President of CENTRAL MFG. CO., and is authorized to execute this document on its behalf, that all statements made of his own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code. Central Mfg. Inc., as assigned it's right to litigate on behalf of it's common law rights in and to the mark HAVOC , along with it's rights in and to it's attached Federal Trademark Registration herein relied upon in support of this Opposition, to it's Chief Executive Officer Leo Stoller, it's President and Chief Executive Officer, in support of this Opposition.

CENTRAL MFG. CO. has assigned it's rights to litigate on behalf of Registration No. 1,623,790, to LEO STOLLER, d/b/a CENTRAL MFG. Leo Stoller d/b/a CENTRAL MFG. is in privity with CENTRAL MFG. CO., in that Leo Stoller is also the Director and CEO of CENTRAL MFG. CO. and majority shareholder.

The Opposer submits a true and accurate certified copy of the said Registration, which the Opposer is fully authorized to rely upon in support of this opposition, and one (1) copy each, of registration prepared and issued by the Patent and Trademark Office showing both the current status of and current title to the following registrations in support of its *Notice of Opposition*. All documents that are hereto attached are verified as copies of original certified documents. Notice of Reliance is hereby given that the registration is offered into evidence and given in support of Opposer's *Notice of Opposition*.

Dated: May 8, 2002

By: _____
Leo Stoller

By: _____
Leo Stoller, President
CENTRAL MFG.

Certificate of Mailing

I hereby certify that the foregoing document is being sent by
Express Mail No: ET712380866US with the United States Postal Service
in an envelope addressed to:

Box TTAB/FEE
Assistant Commissioner of Patents and Trademarks,
2900 Crystal Drive,
Arlington, Virginia 22202-3513

_____
Leo Stoller
May 8, 2002

C:\MARKS25\LYNCH.OPP

Int. Cl.: 28

Prior U.S. Cl.: 22

Reg. No. 1,623,790

United States Patent and Trademark Office Registered Nov. 20, 1990

TRADEMARK
PRINCIPAL REGISTER

HAVOC

STEALTH INDUSTRIES, INC. (DELAWARE CORPORATION)
P.O. BOX 348-370
CHICAGO, IL 606348370

FOR: SPORTS RACQUETS, INCLUDING TENNIS RACKETS, RACQUETBALLS, BALL-RACQUET, SQUASH, BADMINTON, GOLF BALLS, TENNIS BALLS, SPORTS BALLS, INCLUDING BASKETBALL, BASEBALL, FOOTBALL, SOCCERBALL, VOLLEYBALLS, CROSSBOWS, TENNIS RACQUET STRING, AND SHUTTLECOCKS, IN CLASS 28 (U.S. CL. 22).

FIRST USE 1-10-1985; IN COMMERCE 1-10-1985.

SER. NO. 73-778,875, FILED 2-6-1989.

W. A. CONN, EXAMINING ATTORNEY

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
OFFICE OF ASSISTANT COMMISSIONER FOR TRADEMARKS
2900 Crystal Drive
Arlington, Virginia 22202-3513

REGISTRATION NO: 1623790 SERIAL NO: 73778875 MAILING DATE: 03/07/2002
REGISTRATION DATE: 11/20/1990
MARK: HAVOC
REGISTRATION OWNER: CENTRAL MFG. CO.
CORRESPONDENCE ADDRESS:

LEO STOLLER
CENTRAL MFG. CO.
P.O. BOX 35189
CHICAGO, IL 607070189

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(3)

THE COMBINED AFFIDAVIT AND RENEWAL APPLICATION FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

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NOTICE OF RENEWAL

15 U.S.C. Sec. 1059(a)

THE COMBINED AFFIDAVIT AND RENEWAL APPLICATION FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 9 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE REGISTRATION IS RENEWED.

****

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
028.

AHMED, DEBORAH Y
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
(703)308-9500

PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION

HAVOC

HAVOC BRAND PRODUCTS & SERVICES
P.O. Box 35189, Chicago, IL 60707-0189
VOICE 773/283-3880 * FAX 708/453-0083 * WEB PAGE: www.rentamark.com

VIA CERTIFIED MAIL NO. 7099 3400 0020 6793 5165

March 1, 2001

President
Havoc Media Design
236 S. Greenleaf Avenue
Staten Island, NY 10314

Dear Sir:

Re: **INFRINGEMENT OF THE "HAVOC" TRADEMARK(S)**

Please be advised that we hold rights to the following *HAVOC* federal registration:

HAVOC, Reg. No. 1,623,790

This mark has been registered with the United States Patent and Trademark Office. We are also the exclusive worldwide licensor of the mark *HAVOC* as contained in the Who's Who in the Licensing Industry.

We have just learned that **HAVOC MEDIA DESIGN** is using our well known *HAVOC* federal trademark as a domain name, corporate name, trade name, service mark and/or trademark.

It is our opinion that your unauthorized use of our *HAVOC* mark, constitutes an infringement of our common law rights in and to the mark *HAVOC* and/or our registered trademarks, if not actual counterfeiting.

We will be substantially and irreparably damaged should this unlawful use of our well known *HAVOC* trademark, infringement and counterfeiting continue. We, therefore, request that **HAVOC MEDIA DESIGN** immediately cease and desist from using our trademark as a domain name, corporate name, and/or the sale and offering for sale of your infringing goods and/or services under trademark **HAVOC**.

In order to mitigate further damages, the following actions on your part are required:

- immediately discontinue all use of the subject trademark;

- turning over to us all materials in your possession which bear the subject trademark; and

- an accounting of all sales made to date of goods and/or services bearing such mark

Please understand that should you not immediately take the above actions and should litigation become necessary, we will also demand:

- an award of damages for all lost sales and profits; and
- an award of attorneys' fees

We strongly recommend that you present this letter to your attorney and have him or yourselves call us as soon as possible on or by March 23, 2001, to resolve this matter amicably.

If we do not hear from you by that time, we will presume that you do not intend to voluntarily take the necessary actions outlined above.

We await your response.

Most cordially,

Leo Stoller, HAVOC
P O Box 35189
Chicago, IL 60707
Tel: 773/283-3880
FAX: 708/453-0083

C:\MARKS22\MEDIA.C&D

WHY OBTAIN A *HAVOC*® LICENSE...

Americans are brand conscious. More than 95 percent of all products sold in America are branded goods and more than $120 billion is spent in advertising to create and maintain brand images for those products. The reason: Consumers' buying habits are tied to how they think and feel about a brand.

In today's competitive marketplace, the licensing of brand names for new products - essentially, borrowing an established brand name in order to sell more product - has become increasingly prevalent. Sales of licensed products in the U.S. now total more than $151 billion a year and over 40% of all goods sold are licensed products.

The reasons are simple. Building a brand image for a new product is extremely costly. And there's no guarantee that an expensive brand image campaign will work. Licensing your products and services under an established trademark brings instant recognition and acceptance with your customers. Licensing endows your products and services with the power of the images carried by the brand name trademark, giving you the opportunity to:

* Introduce products more easily and enter the market from a position of strength.

* Achieve instant customer awareness and help increase market share without risking large marketing expenditures.

* Create instant enthusiasm and interest among your customers.

* Sell a greater volume of products or services due to your customers' increased interest.

* Sell your products or services for a greater profit margin.

* Avoid trademark litigation.

Licensing an established trademark for your products or services just makes good business sense. The enormous power of ***HAVOC***® trademarks can mean instant buyer appeal for your products and services. As a ***HAVOC***® licensee, you are part of a team company already marketing their products and services using ***HAVOC***® trademarks. Their success is proof of what a ***HAVOC***® license can do for you.

HAVOC® LICENSING PROGRAM

Licensee Requirements

As a prerequisite for becoming a ***HAVOC***® licensee, a distributor, manufacturer or service company should consider the following requirements:

PRODUCT OR SERVICE CATEGORY:

An appropriate product category that would utilize and compliment the ***HAVOC***® image.

MARKETING:

A proven track record of marketing.

RESOURCES:

Adequate resources - production, financial and manpower to undertake such an expanded program.

STYLING AND QUALITY:

Ability to ensure good styling and consistent quality products or services.

PRODUCTION:

Efficient manufacturing and/or sourcing to ensure on-time delivery of value packed products.

OBJECTIVES:

Long-term objectives of continued growth in sales and profits.

To an increasing extent, all types of buyers, including buyers for mass market retail outlets, are demanding brand names with image. Their customers want established brand names as a guarantee of quality, value and good styling. More and more manufacturers are being encouraged to provide brand names in order to maintain and expand their market position. Some companies who already have one or more brand names are seeking additional identification programs due to their demonstrated success with branded goods and services. Others, who have no brands or the wrong brands, need a brand to survive.
For companies that qualify, the ***HAVOC***® brand could be the answer.

HAVOC® LICENSING PROGRAM

See Rentamark famous brands available for licensing at www.rentamark.com

The nature of the major terms of the License Agreement are indicated hereunder.

ROYALTY RATE:

Royalty rates are a negotiable percent of the sale price charged by Licensee for each licensed product and/or service sold.

TERM OF AGREEMENT:

Basic life of agreement coordinated with requirements of product development; usually three or more contract years, with the first contract year being long enough to allow "start-up" time.

MINIMUM SALES:

Minimum sales target projections mutually determined.

MINIMUM ROYALTIES:

Annual guaranteed minimum royalty realistically assessed.

ADVANCE PAYMENT:

A reasonable portion of the Minimum Royalties (not an additional fee).

RENEWALS:

Renewal terms based on performance to capitalize upon success of the program.

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LICENSING *HAVOC*® ENABLES YOU TO ...

* DIFFERENTIATE AMONG PARTY PRODUCTS

* ENJOY EASIER TRADE ACCEPTANCE

* JUSTIFY A PREMIUM PRICE POINT

* GENERATE QUICK CONSUMER TRIAL

* ACHIEVE SIGNIFICANT MARKET SHARE QUICKLY

* AVOID TRADEMARK LITIGATION

STEALTH®, SENTRA®,TERMINATOR®,
HAVOC® & DARK STAR®

D/B/A
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Chicago, IL 60707-5189
Phone: (773) 283-3880 Fax: (708) 453-0083
Email: info@rentamark.com

See our list of other famous brands available for licensing at www.rentamark.com
Contact us about representing and licensing your brand

PROTECT YOUR COMPANY'S ASSETS WITH
A *RENTAMARK®* BRAND TRADEMARK LICENSE

Pick the wrong name for your new product or service and you stand to LOSE BIG TIME! That's what lots of companies learn when they find themselves on the wrong side of a trademark infringement action. Over $2 billion was spent last year in litigation and legal expenses due to **misuse of trademarks.** And it's not only the Fortune 500 firms who get hurt. It's the small to mid-size companies with little experience in trademark law, who often don't find out until an attorney sends a warning letter to "cease and desist" or you get served with a Federal Trademark infringement lawsuit.

Any company can pay hundreds of thousands of dollars in legal expenses fighting an infringement suit with no guarantee of success. If you lose, you'll not only have to rename your product, reprint all the sales literature, and redo the advertising, you'll also **suffer a major loss** of credibility with your customers ..... and possibly owe treble damages to the winner and attorneys' fees. For many, the enormous legal expenses of defending a trademark dispute can literally mean the END OF YOUR BUSINESS.

Now you can protect your business with a ***RENTAMARK®*** famous brand trademark license agreement. Merely choose a ***RENTMARK®*** brand famous trademark for use on your product or service and allow ***RENTAMARK®*** to police and protect the trademark.

Some of our famous brand names include, but are not limited to:

SENTRA®
STEALTH®
DARK STAR®
TERMINATOR®
AIRFRAME®
HAVOC®
NIGHT STALKER®
STRADIVARIUS®
TRILLIUM®

Visit our website at: WWW.RENTAMARK.COM