



BONTEMPO'S HAIR STUDIO

FIFTY EAST GREEN STREET PASADENA, CA 91105 (626) 449-7277 BONTEMPOS.COM
OFFICIAL HAIRSTYLIST FOR THE MISS UNIVERSE PAGEANT™ FOR THE STATE OF CALIFORNIA, MISS CALIFORNIA,
USA® AND MISS CALIFORNIA TEEN, USA®

United States Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

January 7, 2004

Bontempo, David Patrick
50 East Green Street
Pasadena, CA 91105

Cancellation No. 92042681
Registration No. 2668599

Michaeline A Re
Law Offices of Michaeline A Re
225 So. Lake Ave. 9th Floor
Pasadena, CA 91101

Von Curtis Inc.

V.

Bontempo, David Patrick

1. What was explained to me in a meeting with two representatives from the Paul Mitchell School was that 'core cutting' was not the name of their 'system' in which their school curriculum was called. That the terminology of 'core cutting' in which they use is the "beginning level" of their training at the Paul Mitchell School. They future more explained that they do not call their training 'core cutting'.

2. On December 2nd, 2003 my attorney, Mr. Douglas E. White received a letter dated November 26, 2003 from Michaeline A. Re, opposing attorney, which asks me to sign the 'co-existing' agreement to avoid further costs associated with litigation. (EXHIBIT A) Paragraph 4 of the letter Michaeline says that I am violating licensing requirements both criminal and civil because I am teaching hair cutting techniques without a license in this state.

The State of California Board of Cosmetology does not require a "teaching license" to teach 'advanced training' only when a hairstylist is teaching state board regulations, therefore this is a false statement.

2. I agreed to sign a "co-existing" agreement on December 6th, 2003 (EXHIBIT B) which was agreed by both parties, which I did sign, even though the agreement was not completely true regarding how, where or when I have used my 'core cutting' trademark. I signed the agreement anyways because we agreed that we could 'co-exist' together. Apparently Michaeline disregarded our agreement because a few days later I received the 'Petition for Cancellation'.

RESPONSE TO THE PETITION FOR CANCELLATION

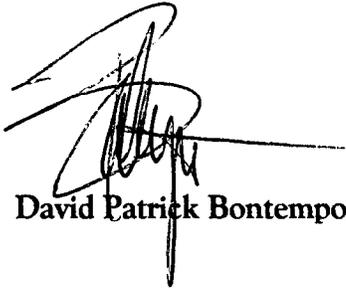
I developed a very advanced way of hair cutting called 'core cutting' it is unlike any other system, training or advanced hair cutting development that is available today. I trademarked my developments through what I was under the impression of an institution of the United States of America in order to continue teaching and lecturing across the United States and Europe and protect my interest that has taken me years to perfect.

I am presently involved with filming videos of my development 'core cutting' in fifteen languages. Schwarzkopf International main offices in Hamburg Germany are the company whom I have been in negotiations with to promote my endeavor.

I am presently the hair stylist for the Miss Universe Pageant® for the States of California and Nevada. I won first place in the State of California, California Cosmetology Association in 1988 with 'core cutting'.

I have taught hundreds of hair stylists through the years my concept and wanted to protect myself so I trademarked it. I knew I had to protect myself and my development 'core cutting' cause I knew there were people like Michaeline A Re and Paul Mitchell out there.

Therefore; I will fight for what I feel is mine.

A handwritten signature in black ink, appearing to read 'David Patrick Bontempo', with a long horizontal line extending to the right from the end of the signature.

David Patrick Bontempo

(EXHIBIT A)

MICHAELINE A. RÉ

Sam (Miss)
MICHAELINE A. RÉ
225 SOUTH LAKE AVENUE, NINTH FLOOR
PASADENA, CALIFORNIA 91101
michaeliner@earthlink.net

AREA CODE 626
TELEPHONE 396-9230
FACSIMILE 396-9430

November 26, 2003

Via facsimile and U. S. Mail

Douglas E. White, Esq.
14 Camino Sobrante
Orinda, CA 94563
Facsimile 626 449-3631

Re: Registered Owner: David Patrick Bontempo
Trademark Registration No. 2668599
Mark: CORE CUTTING

RECEIVED

DEC 02 2003

DOUGLAS E. WHITE
ATTORNEY AT LAW

Dear Mr. White:

You were the trademark attorney for the above-captioned registration. Your client sent my client a letter requesting that my client stop using his copyright. I assume he meant the trademark set forth above.

This letter is to advise you that I represent Winn Claybaugh in relation to the above captioned registration. Mr. Claybaugh has been using this mark since 1984 and has a superior interest in the mark. A petition for cancellation has been filed with the trademark office in Washington. A copy of the petition is enclosed.

A letter was sent to your client advising him of my client's superior rights on November 3, 2003. An offer was extended to consent to co-exist, joint use of the mark, in hopes of avoiding the costs associated with litigation. No response has been received from Mr. Bontempo or anyone on his behalf.

Since the date of my prior letter and the filing of the petition we have done some further research and determined that Mr. Bontempo is not now nor has he ever been a licensed cosmetology instructor in California. You cannot teach hair cutting techniques without a license in this state. A cosmetology license alone is not sufficient. Further, Mr. Bontempo's salon is not a licensed nor has it ever been, cosmetology school. The school must be accredited to provide the educational services advertised on your client's web site. Violating these licensing requirements carries both criminal and civil sanctions.

Further, we can find no indication anywhere that your client has ever used this mark in conducting classes or providing hair services outside the City of Pasadena, California. While your

client has provided services outside the state, he has used his salon name, not this mark. Should you have some proof of the use of the mark elsewhere, please let me know.

My client would like to resolve this matter as soon as possible and would like to avoid the cost, both in time and money, of this litigation. Can you please contact your client and explain the seriousness of this matter. My client does not want to interfere with your client's business, he simply wants to resolve the issue of the rights to this mark.

I would appreciate any help and cooperation in this matter.

Very truly yours,



Michaeline A. Ré

MAR:md

cc: Winn Claybaugh

(EXHIBIT B)

Law Offices of

MICHAELINE A. RÉ

225 SOUTH LAKE AVENUE, NINTH FLOOR
PASADENA, CALIFORNIA 91101
michaelnrc@earthlink.net

ARFA CODE 626
TELEPHONE 396-9230
FACSIMILE 396-9430

MICHAELINE A RÉ

November 3, 2003

David Patrick Bontempo
BONTEMPO'S HAIR STUDIO
50 East Green Street
Pasadena, CA 91105

Re: Trademark Registration No. 2668599
Mark: CORE CUTTING

Dear Mr. Bontempo:

This letter, when signed, will confirm that David Patrick Bontempo, has registered the mark CORE CUTTING for the following goods and services:

International Class 041. S: Educational Services, namely, conducting classes in hair cutting techniques;
International Class 044. S: Hair Cutting Services.
Geographic Area of Registrant's Use: Pasadena, California
Services for which Registrant uses its Mark: Classes in hair cutting techniques and hair cutting services.

Mode of Registrant's use of the Mark: On website and materials to advertise registrants salon services in Pasadena, California.

The period of time in which Registrant has used its Mark. 12/31/02

Registrant desires to continue to use the mark in association with the hair cutting classes and cutting services provided by him, and does not wish to have the mark's registration canceled.

Winn Claybaugh, personally and on behalf of PAUL MITCHELL THE SCHOOL, claims use of the mark prior to 1988, the alleged first use by Registrant, and further claims that the mark is a term commonly used in the field of cosmetology education, and is not understood to be associated with any particular educational facility or salon. Based upon these facts, Claybaugh believes, in good faith, that the registration should be canceled and enters into this agreement for concurrent use of the mark in lieu of and on condition of Claybaugh's agreement not to seek such cancellation.

Pursuant to our discussion, Registrant hereby consents to the use of the mark CORE

CUTTING, by Wynn Claybaugh for the following goods and services:

International Class 041, Educational Services, namely conducting classes, seminars, conferences, workshops in the field of cosmetology and distributing course materials in connection therewith.

International Class 009 and 035: Producing, distributing and marketing educational tapes, videos, cassettes, DVD's, CD's or other paper or electronic materials used to instruct professional hair stylists and barbers in methods of basic hair cutting techniques.

The basis for this consent is Winn Claybaugh's and Registrant's mutual determination that there is no likelihood that consumers have been or will be confused by the concurrent use and registration of the two marks under the terms set forth above. This is supported by the fact that to date there have been no instances of confusion. In addition, the nature of the goods and services offered and sold by the parties under their respective marks, as evidenced by the specimens submitted herewith, are distinctly different and unlikely to be considered derived from the same source.

In order to carry out this consent agreement, the parties agree to continue to cooperate in taking reasonable action to avoid confusion and to correct any instances or likelihood of confusion which comes to their attention.

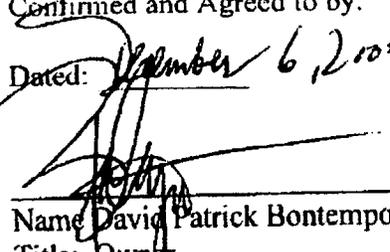
Both parties agree to the terms of this consent by signing, dating and returning this letter to Winn Claybaugh.

Very truly yours,

Wynn Claybaugh
Title: owner
Address: 1278 Glenneyre, Suite 96
Laguna Beach, CA 92651
Tel.: 714 546-8786

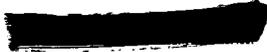
Confirmed and Agreed to by:

Dated: September 6, 2003


Name David Patrick Bontempo
Title: Owner
Address 50 East Green Street
Pasadena, California 91105

Tel: 626 449-7277

TTAB



01-09-2004

January 7, 2004

U.S. Patent & TMOfo/TM Mail Ropt. Dt. #40

**United States Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513**

Sent via certified mail to:

Michaeline A Re
Law Offices of Michaeline A Re
225 So. Lake Ave. 9th Floor
Pasadena, CA 91101