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## LATHAM & WATKINS LLP

July 13, 2004

### VIA U.S. MAIL

Ms. Heather L. Tornincasa  
2960 Clairemont Drive, Apt. 28  
San Diego, CA 92117

FIRM / AFFILIATE OFFICES  
Boston New Jersey  
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File No. 027788-00011-005

Re: Infringement of the **ENTREPRENEUR** Trademark  
Your Trademark Application Serial No. 78/402,046  
For the Mark: **ENTREPRENEUR**

Dear Ms. Tornincasa:

This firm represents Entrepreneur Media, Inc. ("Entrepreneur") in connection with its intellectual property enforcement matters. Entrepreneur is the owner of numerous trademark registrations for the mark **ENTREPRENEUR®**, as well as several other marks that include the "ENTREPRENEUR" term. Entrepreneur uses its **ENTREPRENEUR** trademarks in connection with various goods and services including its publication, *Entrepreneur* magazine, and corresponding web site at *entrepreneur.com*. Entrepreneur's publications and web site provide start-ups, small businesses, and small business owners with information and various business services regarding starting and operating a successful business. Entrepreneur also uses its mark on various promotional items, including clothing. The **ENTREPRENEUR®** mark has become well-known and distinctive within the small business industry. Indeed, a Federal Court recently ruled that "the mark **ENTREPRENEUR** is a strong, distinctive mark, deserving of significant protection," which ruling was upheld by the Ninth Circuit. See attached.

To protect these valuable rights, Entrepreneur has obtained federal trademark registrations for its **ENTREPRENEUR®** mark pursuant to Certificate of Registration Numbers 1,453,968, 2,263,883, and 2,502,032 in International Classes 16, 35, and 41.

It has come to our attention that you have filed a trademark application to register the mark **ENTREPRENEUR** in connection with "goods/services in international class 25 for clothing, namely t-shirts, shirts, collar shirts, long sleeve shirts, tank tops, tees, sweaters, sweatshirts, vests, hats, caps, beanies, ties, pants, shorts skirts, jackets and shoes."

Your unauthorized use of a mark identical to Entrepreneur's mark, for goods that Entrepreneur has used its mark on, is likely to cause confusion, mistake, or deception regarding

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FRX NO. :

FROM :

LATHAM & WATKINS LLP

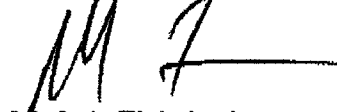
the source of the services offered by you and constitutes trademark infringement and unfair competition.

Accordingly, Entrepreneur hereby demands that you immediately withdraw your application for the mark ENTREPRENEUR and cease using that mark.

If you fail to abide by this demand, Entrepreneur will oppose your trademark application if and when it publishes for opposition and take appropriate action to prevent you from using your mark. By providing you with this notice, we are hopeful that you can choose a new mark with as little disruption to your business as possible.

If you would like to discuss this matter, please give me a call.

Very truly yours,



Mark A. Finkelstein  
of LATHAM & WATKINS LLP

Enclosures

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