

CEASE AND DESIST LETTER FORM

Certified Mail Return Receipt Requested

August 7, 1997

[Addressee]

Dear _____:

We represent _____, Inc., ("_____"), owner of the federally registered service mark _____® (Registration No. _____) and Illinois registered service mark _____® (Registration Nos. _____ and _____). _____ has owned and used its _____® mark for twenty years in connection with retail store services featuring general home accessories and gifts in international class 42. The _____® mark, as you must appreciate, is of great value and importance to _____.

Recently, we have been advised that you are using the name "_____" in connection with your retail shop business which sells home accessories and gifts. This letter is being sent to protest your continued, unauthorized use of a mark confusingly similar to _____® in connection with your retail shop. Your use of "_____" unfairly capitalizes on the goodwill and reputation embodied in _____' service mark. The public has already mistakenly believed that your use of "_____" is somehow authorized or sponsored by or is somehow affiliated with _____' service mark.

This type of deceptive trade practice constitutes trademark infringement under Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1), a false designation of the original and false description under Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a), and violates the state trademark and dilutions statutes and common law principles of unfair competition and misappropriation.

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We also understand that you are in the process of changing the name for your retail shop to something other than "_____". To ensure that you cease and desist of all unauthorized use of the mark "_____" or any mark confusingly similar to _____® on any products, advertisements, or in connection with any services, we request that you certify that: (i) you or any entity you are affiliated with or an agent of, immediately cease all use of the mark "_____" or any mark confusingly similar to _____®; and (ii) you or any entity you are affiliated with or an agent of, agree to rescind and refrain from any further advertising bearing the mark "_____" or any mark confusingly similar _____®.

Your signature on the line indicated below signifies your acceptance of the terms outlined in this letter. Should we not receive a positive response from you within ten (10) days of the date of this letter, we shall proceed with all steps necessary to protect our client's goodwill.

Very truly yours,

AGREED TO AND ACCEPTED BY:

By: _____
Name: _____
Title: _____