

**BY TELECOPIER: (248) 358-9729**

May 7, 2008

Allan S. Rubin, Esquire  
Draper, Rubin & Shulman, PLC  
29800 Telegraph Road  
Southfield, Michigan 48034

Dear Mr. Rubin:

I write to follow up my conversations with you and Neil Pioch following Judge Tarnow's ruling. As you know, we served Rule 11 motions on you and your predecessor counsel in this case, and neither the case, nor the challenged claims were withdrawn or appropriately corrected during the safe harbor period provided by Rule 11(c)(2). Moreover, this trademark action easily meets the test for exceptional cases under section 35(a) of the Lanham Act, 15 U.S.C. § 1117(a). Accordingly, we plan to move for an award of attorney fees and expenses, which at the moment stand at roughly \$32,000. As I have indicated, however, we will not be seeking fees against you or your firm.

We would much rather settle this issue than have to litigate the issue of fees, but we cannot walk away from our fees, and if the fee claim is resolved it will have to be with a public award of fees.

I'd be grateful if you could get back to me about this as soon as possible, and no later than next Monday, inasmuch we have in mind to file our motion on May 16, 2008.

Sincerely yours,

Paul Alan Levy