

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

WIMO LABS LLC,

Plaintiff,

vs.

KESHA SEBERT,

Defendant.

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No.

EXHIBIT A

KING, HOLMES, PATERNO & BERLINER, LLP

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*ADMITTED IN NEW YORK ONLY

WRITER'S DIRECT DIAL:
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April 20, 2011

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

Wimo Labs LLC
1032 West Fulton Market
Suite 201
Chicago, Illinois 60607

Re: NOTICE OF INFRINGEMENT

To Whom it May Concern:

This firm represents Kesha Sebert p/k/a "Ke\$ha" ("Ke\$ha"), the internationally-known recording artist whose performances are featured on the 2010 hit single "*Tik Tok*".

Ke\$ha holds exclusive rights in and to her name, trademark, publicity and other intellectual property rights ("Artist Property") in connection with the advertisement, distribution and sale of merchandise.

It has recently come to Ke\$ha's attention that Wimo Labs, LLC ("Wimo") is using the name "Tik Tok" (the "Name") to market a wristband (the "Band") designed to hold the *iPod Nano*, essentially transforming the device into a multi-function timepiece.

The marketing of Band by Wimo using the Name ("Unauthorized Activities") is without Ke\$ha's consent and constitutes an unauthorized usage of the Artist Property.

This notice serves to demand that Wimo immediately cease and desist its Unauthorized Activities to promote goods and services for its own financial gain. The flagrant and conscious disregard of Ke\$ha's rights by WIMO constitutes a number of violations including, without limitation, trademark and service mark infringement, unfair competition under the Lanham Act and under state law, dilution, false designation of origin, passing off, misappropriation, misrepresentation, and violation of rights of publicity.

On behalf of Ke\$ha, we hereby demand that Wimo do the following:

1. Immediately cease and desist and notify all third parties to cease and desist the Unauthorized Activities, including, but not limited to, cessation of all marketing using the Name;

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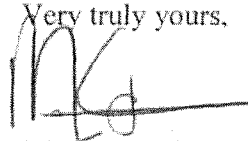
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2. Provide this office with a list of all third parties (include company and contact name, address, telephone number) who participated in the Unauthorized Activities;
3. Deliver to this office copies of all materials utilized by WIMO used in the Unauthorized Activities;
4. Deliver to this office all remaining inventory of all materials utilized by WIMO used in the Unauthorized Activities, and advise all third parties who participated in the Unauthorized Activities to do the same;
5. Provide this office with an accounting of Bands sold and a calculation of all profits derived therefrom since the date of the first Unauthorized Activity; and
6. Contact this office to discuss acceptable compensation for the severe harm Wimo's actions have caused Ke\$ha, including, without limitation, the cost of this firm's enforcement efforts.

If Wimo does not comply with the foregoing demands within five (5) business days following the date of this letter, we have been authorized by Ke\$ha to take any and all legal action against Wimo necessary to enforce Ke\$ha's rights regarding the Unauthorized Activities.

Nothing contained in this letter is intended or shall be construed as an admission of any fact, nor a waiver of any rights, claims or remedies which Ke\$ha has asserted or may assert in the future, in connection with this matter or any other matter, all of which are hereby expressly reserved.

Very truly yours,



Michelle N. Jubelirer

KING, HOLMES, PATERNO & BERLINER, LLP

MNJ/dj

cc: Jack Rovner
Ken Levitan
Nicki Loranger
Emily Burton
Jeffrey Schwartz
Peter T. Paterno, Esq.
Dan Jensen