



SOVICHMINCH^{LLP}

LEGAL AND PROFESSIONAL COUNSELORS

10099 Chesapeake Drive, Suite 100, McCordsville, Indiana 46055

Telephone: 317.335.3601 Facsimile: 317.335.3602

WWW.SOVICHMINCH.COM

Via Certified Mail Only

November 15, 2004

Mr. Ryan Eldridge
Owner
Nerds on Call
1348 Market Street
Suite 206
Redding, California 96003

Re: *Unauthorized Commercial Use of the Mark "NERDS ON CALL in Association with the Installation, Maintenance, and Repair of Computers for Homes and Small Businesses*

Dear Mr. Eldridge:

Please be advised that this firm represents DocTR, Inc. (hereinafter "DI"), proprietor of the trademarks, rights of association, and / or sponsorship and rights in and to the mark "NERDS on Call" (hereinafter the "Mark"). As you may be aware, DI is the sole and exclusive owner of all commercial and allied rights relating to the use of the Mark. Specifically, DI is the owner of Federal trademark copyright rights as associated with the Mark.

As counsel for DI, our firm pursues and prosecutes all claims and causes of action arising out of or relating to the unauthorized use of the Mark. Accordingly, by virtue of our continuous and ongoing enforcement of rights in and to the Mark, we discovered that your company or sole proprietorship is commercially utilizing the Mark, in its entirety, without prior authorization from DI. By virtue of our independent investigation of your unauthorized use in this regard, it has been made clear to us that such use is in association with the installation, maintenance, and repair of computers for homes and businesses. You should know that the mark utilized by you in association with your business is identical to the Mark and the services for which your mark is associated is just the sort of services for which the Mark is commonly known. Accordingly, such unauthorized use of these protected intellectual properties as owned by DI is in direct contravention to DI's aforementioned rights and therefore must be promptly addressed.

You may be aware that your unauthorized use of Mark may constitute a direct violation of United States Federal law, specifically, section 43(a) of the Lanham Act, 15 U. S.C. § 1125(a). Such unauthorized use necessarily implies a misleading designation of source origin, endorsement, sponsorship, or approval by DI of your various products and / or services as well as of your business, itself. Under the Lanham Act, third parties are prohibited from exploiting another's trademark rights for commercial purposes without authorization.

Mr. Ryan Eldridge
November 15, 2004
Page 2 of 3

The Lanham Act is premised on the belief that the benefit or property right that one has invested time, effort, and money into developing should be protected from unauthorized commercial use. In essence, the Lanham Act prohibits one from "reaping what another has sown" without fair compensation.¹

For your information, our client routinely utilizes the Mark in interstate commerce in the advertisement of DI's products and services. Likewise, DI has expended countless resources in the development, promotion, advertisement, and continuous protection of the Mark to ensure that its investment therein is not only protected but is returned and grown through vastly expanded commercial endeavors. Therefore, due to foregoing advertising and use by DI and, perhaps, authorized licensees, any unauthorized sale and / or advertisement of products and / or services utilizing the Mark irreparably damages DI's business purposes directly, by undermining DI's good will and reputation for quality products and services, and indirectly, by depriving authorized users of the Mark their rights.

In order to determine to what extent the use of your mark infringes upon DI's aforementioned rights, we must request that you provide DI, by counsel, with more detailed information concerning your current and / or contemplated use of the Mark in California, including but not necessarily limited to copies of any and all promotional and / or advertising materials featuring your mark and how it is or may be used. In order to expedite this matter due to the seriousness of DI's claims as herein contained, we hereby request that you provide us with the aforementioned information no later than the close of business on **November 29, 2004**.

Should you fail to respond to this letter by the aforementioned deadline, be advised that in order to ensure the protection of its rights, DI reserves the right to proceed with appropriate legal action against Griebahn, which may include the filing of a formal opposition proceeding against Griebahn's recently published application as well as a civil suit to immediately arrest any further use of the applied-for mark by Griebahn.

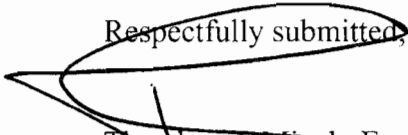
In the alternative, should you wish to resolve this matter in an amicable fashion, you may contact me at (317) 335-3601 to discuss the parameters of such a resolution. Thank you for your prompt attention to this matter. I look forward to receiving the above-requested information.

¹ R.H. Donnelly Co. v. Illinois Bell Telephone Co., 595 F.Supp. 1202 (N.D. Ill. 1984).

Mr. Ryan Eldridge
November 15, 2004
Page 3 of 3

Nothing contained herein or omitted here from constitutes a waiver of any of the rights or remedies at law or in equity of DocTR, Inc. and / or Kevin Bouchonnet, individually, all of which are hereby expressly reserved.

Respectfully submitted,



Theodore J. Minch, Esq.
Sovich Minch, LLP
Attorneys for DocTR, Inc.

TJM/pm

cc: Christine M. Sovich, Esq., Sovich Minch, LLP
Mr. Kevin Bouchonnet, DocTR, Inc.