

MICHAEL G. KELBER
(312)



CHICAGO, ILLINOIS
TEL: (312)
FAX: (312)

March 7, 2003

VIA E-MAIL (DOWN10@)
AND FEDERAL EXPRESS

Mr. Jesse Burgheimer

San Francisco, California
USA

Re: **Trademark and Copyright Infringement Matter:**
Website <www.down10.com>
Our Reference No. 49872.04

Dear Mr. Burgheimer:

We represent McDonald's Corporation. We have recently been made aware of the webpage at <http://www.down10.com/fonts/mclawsuit>. This webpage is titled "McLawsuits" and identifies you as the owner of the webpage contents. (See enclosed copy.) The WHOIS database at www.networksolutions.com lists you as the administrative contact and Telocity.com as the Internet Service Provider for the website. We are copying the Internet Service Provider on this correspondence.

While we applaud your efforts to create novel fonts that may be shared and used by others over the Internet, your comments on your webpage show that you can appreciate the concern and objection our client has to the use of the "McLawsuit" font. Unfortunately, McDonald's cannot support the pursuit of artistic and creative endeavors at the expense of permitting the unauthorized use of its intellectual property in the manner as depicted on your webpage. Although your webpage states that the "McLawsuit" font is not based on the "Golden Arches" logo, this assertion is untenable in view of the content of your website and your unmistakable use of and reference to the "Golden Arches" and McDonald's Corporation. Most notably, based on the content and font that you created, you expressed concern that McDonald's would "slap me with some McCease and Desist order."

Your unauthorized use and display of McDonald's Corporation's famous "Golden Arches" logo and "Super Size" registered trademarks and use of the word "McLawsuit" and red and gold design (as depicted on your webpage) infringe McDonald's Corporation's trademark and trade dress rights under U.S. federal and common law. Through McDonald's Corporation's

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extensive use of the "Mc" prefix, the public has come to recognize this prefix and associate it with McDonald's Corporation and its goods and services. Thus, your website's use of the term "McLawsuit" poses a problem for our client.

We are particularly concerned with your unauthorized use and display of McDonald's Corporation's "Golden Arches" logo as a font. Except as the "Golden Arches" logo is incorporated in the "McDonald's" mark and its "McKids" mark, McDonald's Corporation does not use, nor does it permit others to use the "Golden Arches" logo as a letter in the alphabet or as any other symbol.


Your website infringes McDonald's intellectual property rights in several respects. The "M" in "McLawsuit" is an identical facsimile of the famous "Golden Arches" logo; the use of the "Mc" prefix in "McLawsuit" infringes McDonald's "Mc" family of marks; the selection and use of colors (red and gold) copies the famous trade dress that distinguish McDonald's products and services and the numerous references on your website to McDonald's Corporation all clearly associate your website with McDonald's Corporation. Based on such use of identical or confusingly similar trademarks on your webpage, McDonald's is concerned that your webpage will dilute the distinctiveness of its famous marks.

Based on the foregoing, we must request that you immediately cease and desist all use and remove from your website the "Golden Arches" logo and any derivative of this design, the "Super Size" reference, any "Mc" prefix and any other material, including, trademarks, trade dress, logos, and copyrighted materials that infringe the intellectual property rights of McDonald's Corporation.

As you acknowledge on your website, McDonald's Corporation has taken vigorous legal action in the past to enjoin unauthorized uses of its trademarks, trade dress and logos and has been very successful in protecting its rights. Although McDonald's Corporation prefers an amicable resolution of this matter, if necessary, it will take further action to protect its rights and goodwill.

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Please confirm your agreement to comply with the demands of this letter by signing it below and returning it to us by no later than March 25, 2003. As we consider this matter to be very serious, we ask for your prompt cooperation.

Very truly yours, 

Michael G. Kelber

MGK:jac

Administrative Contact

USA

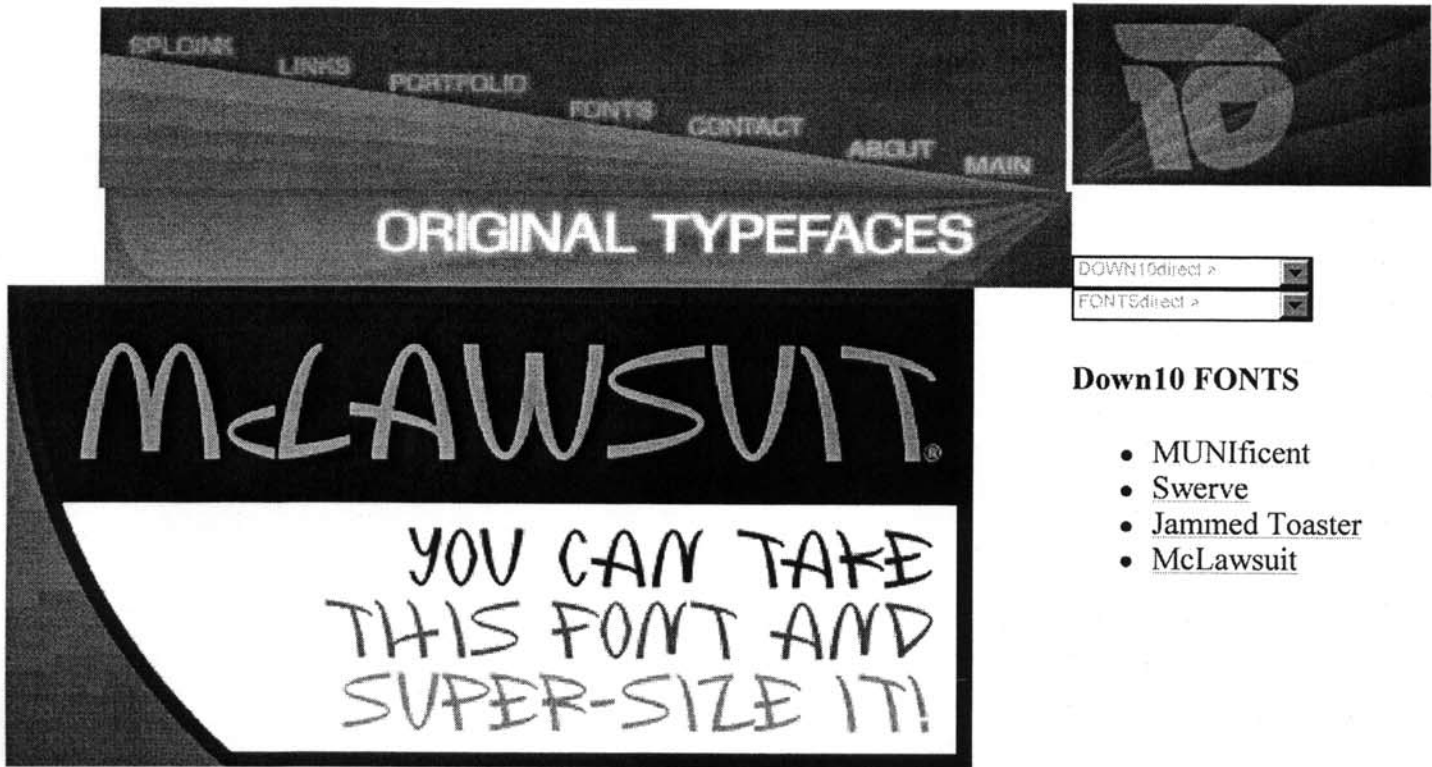
AGREED and ACCEPTED this _____ day of _____ 2003.

By: _____

Name: _____

Title: _____

(4)

**Down10 FONTS**

- MUNificent
- Swerve
- Jammed Toaster
- McLawsuit

McLawsuit

The font **NOT** based on the "Golden Arches" logo for McDonald's.

RATIONALE

This is **NOT** a font based entirely on the McDonald's "Golden arches." You know, the "M." I specifically did **NOT** take the original logo, slice it up and paste it together into an entire alphabet. It does **NOT** include A-Z, 0-9, and all general punctuation keyboard characters.

The reason this font is called McLawsuit is that Micky-D's is valiant in protecting the intellectual property of their products, and it mostly comes across as pure dominance. ... But maybe they'll dig this font instead of wanting to slap me with some McCease and Desist order. Have you had your break today?

©2000 by Jesse Burgheimer

McDonald's, The Golden Arches, and the Golden Arches Logo are property of the McDonald's corporation. All rights reserved. Used without permission. Please do not sue me.
Version 1.2

This font is FREE. Freeware. No quarter asked, no quarter given.

Please do not redistribute without expressly written consent of the creator (Down10 aka Jesse Burgheimer).

Changes in 1.2: