

The Coca-Cola Company

COCA-COLA PLAZA
ATLANTA, GEORGIA

LEGAL DIVISION

June 29, 2000

ADDRESS REPLY TO
P.O. DRAWER 1734
ATLANTA, GA 30301
404 676-2121
OUR REFERENCE NO.

Via Certified Mail/Return Receipt Requested

Mr. Jeffrey S. Priskorn
3713 Prairie Ave.
Berkley, MI 48072

Re: Infringement of The Coca-Cola Company's Trademarks
Our Reference Number: 204096

Dear Mr. Priskorn:

Thank you for your telephone call of June 28, 2000, asking for a formal letter relating to The Coca-Cola Company's concerns over your use of "PHRUITOPIA" as the name of your band and in the domain name of your website. The following constitutes the information that you and your legal counsel have requested:

The Coca-Cola Company is the owner of the registered trademark FRUITOPIA®, which is famous in the United States and which is solely associated with the goods and services of The Coca-Cola Company. Due to The Coca-Cola Company's rights in its trademark, third parties are not permitted to use the FRUITOPIA® mark, any derivative thereof, or any mark confusingly similar thereto, including phonetic equivalents thereof, without the prior written consent of The Coca-Cola Company.

Notwithstanding the foregoing, we understand that you are the principal in a band named "Phruitopia," that you are operating a website under the domain name "Phruitopia.com," that your band is receiving radio air-play through which consumers hear only the spoken name of the band, and that you have incorporated under and/or used the trade name "Phruitopia Tunes, Inc." We also understand that you are aware of our famous trademark FRUITOPIA®, because the first paragraph of your website acknowledges that the name "Phruitopia. . . conjures up thoughts of sweets and flavours and pretty colours. . . ," and because you include a disclaimer on your website relating to association with The Coca-Cola Company.

Please be aware that any unauthorized use of The Coca-Cola Company's trademarks or marks or designs confusingly similar thereto may constitute infringement of The Coca-Cola Company's trademark rights, dilution, and unfair competition under federal and state laws. In addition, the registration and use of a domain name confusingly similar to one of The Coca-Cola Company's trademarks may violate the Anticybersquatting Consumer Protection Act.

