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August 17, 2006

By E-Mail

Owen Cutajar  
Flat 5  
Zahra Court  
Naxxar Road  
San Gwan, Malta

Re: MAGIC 8 BALL

Dear Mr. Cutajar:

We are attorneys for Mattel, Inc.

As you probably know, Mattel is one of the world's largest manufacturers of consumer products, including toys, games and dolls. Mattel owns the trademark MAGIC 8 BALL, as well as numerous trademark registrations for that mark throughout the world, including United States Trademark Registration No. 743727. The MAGIC 8 BALL trademark has been used consistently since at least 1950. In connection with that use, Mattel and its licensees have sold millions of dollars of merchandise. MAGIC 8 BALL is therefore an extraordinarily valuable and famous trademark.


We are writing because Mattel has learned that you are hosting a website at the URL <http://www.only-network.com/games/m8ball/m8ball.asp> and using the MAGIC 8 BALL trademark in a commercial manner to attract attention and traffic to your site. This use of MAGIC 8 BALL infringes Mattel's MAGIC 8 BALL trademark in violation of 15 U.S.C. § 1114(a), and dilutes the MAGIC 8 BALL trademark in violation of 15 U.S.C. § 1125(c).

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In addition to pursuing whatever rights it may have under law, Mattel demands that you (i) immediately cease and desist from using the MAGIC 8 BALL mark on your site and (ii) confirm to us that you have done so.

We await your response.

Very truly yours,

A handwritten signature in black ink that reads "William Dunnegan". The signature is written in a cursive style with a large, prominent initial "W".

William Dunnegan