



Dear Sirs,

This letter is in response to a communication received at the corporate offices of the Trenton Punk Rock Flea Market on March 1, 2016, regarding the unauthorized use of intellectual property held by Cyclopien Music, Inc. by the Trenton Punk Rock Flea Market. Specifically, this refers to the use of the MISFITS name (U.S. Reg. No. 2,364,215 and 2,793,533) and the MISFITS "Horror Font" logo (U.S. Reg. No. 2,735,848) in promotional materials for an after party show for a band known as The Undead to occur, at a minimum, at the Mill Hill Basement in Trenton, New Jersey on April 2, 2016. While we admit no wrongdoing or intention of such in our actions, the Trenton Punk Rock Flea Market agrees to comply with your request to cease and desist the use of MISFITS intellectual property in any and all promotional materials that are distributed for this event from this day forward. There are, however, a number of issues that we would like to address regarding the intellectual property of Cyclopien Music, Inc., which has the exclusive right to publicly perform and record as the MISFITS, now that we have been given a legal forum to do so. Our assertions are as follows:

- 1) It is our position that we find it hard to grasp the concept that we have absconded with intellectual property, when the MISFITS, as currently constituted, represent an entity of almost no inherent value.
- 2) That the value of the MISFITS intellectual property has been irrevocably damaged by a failure of the members and employees of Cyclopien Music, Inc., to cease and desist performing and recording as the MISFITS when its current iteration bears almost no resemblance to the version of the MISFITS that the majority of its supporters are familiar with, and that these iterations represent a willful subversion of the rights of the consumer to remove any and all memory of these iterations from their collective transoms.
- 3) That the failure of Cyclopien Music, Inc. to cease and desist performing and recording as the MISFITS is the driving force behind the devaluation of the intellectual property that they own and maintain, and that the total of that devaluation dwarfs any losses that have been or would be experienced due to infringements of their intellectual property.
- 4) That ANY iteration of the MISFITS that does not employ the talents of one Glenn Allen Anzalone, also known as Glenn Danzig is a complete and utter misrepresentation of the MISFITS intellectual property and should be discontinued immediately.

The Trenton Punk Rock Flea Market protects and enforces the rights of punk rock music fans everywhere to enjoy the music of bands like the MISFITS, without being subjected to iterations of these bands that bear little to no resemblance to the originals. Subsequently, the Trenton Punk Rock Flea Market will give Cyclopien Music, Inc. one hundred and thirty-eight (138) days to respond to the assertions made in this letter. The demands made herein are not made to the exclusion of any other rights, remedies, or defenses to which the Trenton Punk Rock Flea Market is entitled, and nothing in this letter nor any act of omission

by the Trenton Punk Rock Flea Market should be construed as a waiver of any of the Trenton Punk Rock Flea Market's right, remedies, or defenses, all of which are expressly reserved.

So there.

Sincerely,

Andres Esteban Todascasas, Esq.
Chief Counsel, Trenton Punk Rock Flea Market

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