


 K&L GATES

March 1, 2016

**VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
AND ELECTRONIC MAIL**

Trenton Punk Rock Flea Market

1000 N. 9th Street  
Trenton, NJ 08611  
609.392.1234  
trentonpunkrock.com

**Re: Unauthorized Use of MISFITS Intellectual Property**

Dear Mr. Steele:

I am the attorney for Cycloplan Music, Inc. ("Cycloplan"). Cycloplan has the exclusive right to publicly perform and record as the MISFITS, which it has done both domestically and internationally for over twenty years. In that connection, Cycloplan is the owner of common law and registered trademark rights in the MISFITS name and related designs and logos, including, but not limited to, the MISFITS name (U.S. Reg. Nos. 2,364,215 and 2,793,533) and the MISFITS "Horror Font" logo (U.S. Reg. No. 2,735,848) (collectively, the "MISFITS Intellectual Property"). Cycloplan has actively exploited its rights in its MISFITS Intellectual Property through, among other things, music recordings, live performances and an extensive licensing program for the sale of myriad types of MISFITS-branded clothing and accessories.

It has come to our attention that you and your company Trenton Punk Rock Flea Market (collectively "Trenton Punk") are unlawfully using the MISFITS Intellectual Property without Cycloplan's authorization or consent to promote 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. Specifically, the promotion, which consists of at least a poster and blast email campaign, uses the MISFITS Horror Font logo to falsely pass off Bobby Steele as a member of the MISFITS and suggest that his appearance is approved or endorsed by the MISFITS. This is a blatantly false representation. Mr. Steele has no current affiliation whatsoever with Cycloplan and he nor Trenton Punk has, or has ever had, a legal right to utilize the MISFITS Intellectual Property in any way including, but not limited to, in connection with the solicitation or promotion of Trenton Punk, Mr. Steele or his band's appearances.

Trenton Punk's unauthorized use of Cycloplan's MISFITS Intellectual Property to promote its The Undead after party is likely to create consumer confusion as to Cycloplan's affiliation, sponsorship and/or approval of the event, as well as to dilute and diminish the value of Cycloplan's valuable rights in the MISFITS Intellectual Property in the marketplace. As such,

Trenton Punk's unauthorized use of the MISFITS Intellectual Property constitutes at least willful trademark infringement, trademark dilution, and unfair competition under the law.

Accordingly, we demand that Trenton Punk and the artists to appear at the after party

immediately cease and desist from any and all unlawful use of the MISFITS Intellectual Property including, without limitation, removing and instructing any necessary third parties to remove all references to the MISFITS in connection with the promotion of the appearance by Bobby Steele at the Trenton Punk after party.

Cyclopien vigorously protects and enforces its intellectual property rights. If you and Trenton Park do not fully comply with Cyclopien's demands by **March 3, 2016**, we intend to pursue all available legal remedies to which Cyclopien is entitled under the law.

The demands made herein are not made to the exclusion of any other rights, remedies or defenses to which Cyclopien is entitled and nothing in this letter nor any act or omission of Cyclopien should be construed as a waiver of any of Cyclopien's rights, remedies or defenses, all of which are expressly reserved.

We look forward to your immediate response.

Very truly yours,

A handwritten signature in blue ink, appearing to be 'Cyclopien', is written over a faint, illegible printed name.