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GORDON E. R. TROY, PC

802 425-9060
802 425-9061 Fax
gtroy@webtm.com
<http://www.webtm.com>

Attorney at Law
3333 Lake Road
PO Box 368
Charlotte, VT 05445

Admitted in:
Vermont, Illinois,
New York, and
District of Columbia

Practice Exclusively in the area of Intellectual Property Law and Information Technology Matters

September 17, 2007

Wet Jeans
1407 Broadway, Suite 707
New York, NY 10018

Case 1:07-cv-10616-DC Document 1-3 Filed 11/27/2007 Page 8 of 16

VIA CERTIFIED RETURN RECEIPT

Re: Revise Clothing Inc. v. Wet Jeans
Trademark Infringement of VANILLA STAR (Reg. No. 2762901)
Our Ref: 1588-003.004

Dear Sirs:

This firm represents Revise Clothing Inc. in intellectual property matters. Our client is the owner of the United States Trademark Registration No. 2762901 for the trademark VANILLA STAR covering Clothing, namely, shirts, pants, jackets and jeans for men, women and children. A copy of my client's certificate of registration is attached to this letter. My client actively sells products bearing its VANILLA STAR trademark throughout the United States in many retail outlets and chain stores. My client's products are directed at primarily teenagers and my client has expended tremendous efforts as well as funds developing its VANILLA STAR trademark and through such promotional efforts, my client has developed recognition for its brand among the purchasing public.

It has come to our attention that you are selling products, including jeans for teenagers bearing the mark VANILLA on them, including on hang tags and woven labels affixed to the products themselves. Attached to this letter is a product purchased by my client showing use of the VANILLA mark on products. Your sale of products that includes my client's valuable trademark constitutes trademark infringement and unfair competition under Sections 32(1) and 43(a) of the Lanham Act, 15 U.S.C. §§ 1114(1) and 1125(a). Remedies for violations of the Lanham Act include not only injunctive relief against continuing misrepresentation and infringement, but also recovery of profits and damages suffered, which may be trebled. *See: 15 U.S.C. §1117(a)*. Furthermore, since it appears to us that your company's conduct here is willful, my client would also be entitled to recover its attorneys' fees. *See: 15 U.S.C. §1117(b)*.

My client is committed to the enforcement of its intellectual property rights. Accordingly, my client demands that you undertake on your own behalf and on behalf of any associated company, business or customer as follows:

1. To immediately and permanently delete any reference to VANILLA, any derivative thereof, any trademark visually similar thereto or any trademark closely or confusingly similar or otherwise in any manner incorporating the VANILLA

STAR trademark, trade dress, service marks, and trade names from all promotional literature, flyers, billboards, websites and any other medium upon which the VANILLA mark may appear;

2. To immediately and permanently cease all use, including but not limited to, any manufacture, distribution, promotion and/or sale, of any products bearing or otherwise including VANILLA, any derivative thereof, any trademark visually similar thereto or any trademark closely or confusingly similar or otherwise in any manner incorporating the VANILLA STAR trademark, trade dress, service marks, and trade names;
3. To provide us with an accounting of sales and remaining inventory of all products produced by or on behalf of your company bearing VANILLA or other VANILLA STAR marks, trade dress, and trade names, and all derivations thereof;
4. To arrange for the immediate removal of all such products from the marketplace and to turn over to us all inventory in your possession or control which contain VANILLA or other VANILLA STAR marks, trade dress, and trade names, and all derivations thereof.

Unless our office receives written confirmation of your compliance with the foregoing demands, including receipt of a complete accounting as demanded above by the close of business on September 26, 2007, my client will be compelled to commence formal proceedings against you and shall seek injunctive relief, monetary damages, attorney fees and costs. Nothing contained herein shall be construed as a waiver or relinquishment of any rights or remedies my client may have, all of which are expressly reserved.

Very truly yours,
GORDON E. R. TROY, PC

By: _____
Gordon E. R. Troy, Esq.

cc: Mr. Sandeep Behl, Revise Clothing, Inc.

GORDON E. R. TROY, PC

SEPTEMBER 17, 2007

PAGE 3

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 2,762,901

United States Patent and Trademark Office

Registered Sep. 12, 2003

Filed 11/27/2007

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TRADEMARK
PRINCIPAL REGISTER

VANILLA STAR

REVISE CLOTHING, INC. (NEW JERSEY COR-
PORATION)
20 HENRY STREET
TETERBORO, NJ 07608 BY ASSIGNMENT KNICK
KNACK, INC. (NEW YORK CORPORATION)
TETERBORO, NJ 07608

FIRST USE 10-5-2002 IN COMMERCE 10-5-2002

SN 78-126,818, FILED 5-7-2002

FOR: CLOTHING, NAMELY, SHIRTS, PANTS,
JACKETS AND JEANS FOR MEN, WOMEN AND
CHILDREN, IN CLASS 25 (U.S. CLS. 22 AND 39).

JENNIFER KRISP, EXAMINING ATTORNEY

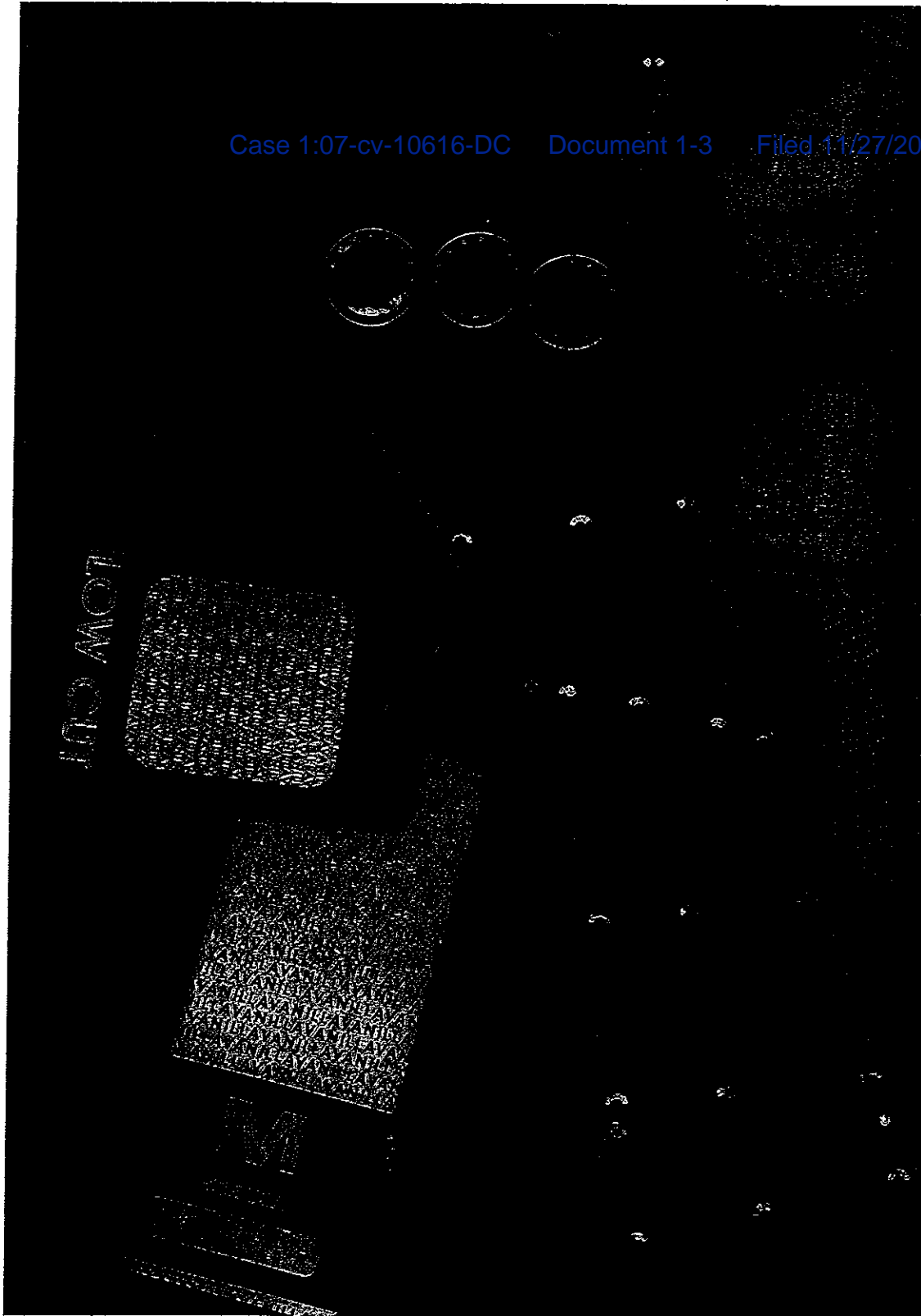




Exhibit E

SANDLER, TRAVIS & ROSENBERG, P.A.

DONNA L. BADE*
ROBERT J. BECERRA
PEGGY LOUIE CHAPLIN*
DAVID E. COHEN*
CHARLES L. CROWLEY*
LENNY FELDMAN
SHANNON E. FURA*
GERALD B. HORN*
ZHAOKANG JIANG*
EDWARD M. JOFFE
ERIK D. JOHANSEN*
LARRY T. ORDET
JEREMY ROSS PAGE
ARTHUR K. PURCELL*
BETH C. RING*
LEONARD L. ROSENBERG
GILBERT LEE SANDLER
KRISTEN S. SMITH*
DEBORAH B. STERN
MICHELLE L. STOPKA
THOMAS G. TRAVIS
THOMAS V. VAKERICS*
KENNETH WOLF*
NANCY J. WOLLIN

RONALD W. GERDES (1947-2005)

* NOT ADMITTED IN FLORIDA

ATTORNEYS AT LAW
THE WATERFORD
5200 BLUE LAGOON DRIVE
MIAMI, FL 33126-2022

(305) 267-9200

FAX (305) 267-5155

E-MAIL ADDRESS: info@strtrade.com

WEBSITE: www.strtrade.com

NICOLE BIVENS COLLINSON
MARK HANEY
JO BRONSON HARRIS
WILLIAM H. HOUSTON
SHAWN MCCAUSLAND
JENNIFER A. MULVENY
W. CHAD NESSBIT
CATHERINE NG
LAUREN V. PEREZ
DZUNG PHAM
RHODA A. SALUS
DENNIS J. WAKEMAN
ADRIAN A. WILLIAMS
TRADE ADVISORS

MYLES J. AMBROSE*
P. TRISTAN BOURGOIGNIE
DOUGLAS M. BROWNING*
STEPHEN L. BUCKLEY*
T. RANDOLPH FERGUSON*
C. MICHAEL HATHAWAY*
JOHN C. KINGERY*
TODD G. KOCUREK
CINDY R. KORENBERG*
MATTHEW K. NAKACHI*
LAURA SIEGEL RABINOWITZ*
L. JANA SIGARS
OF COUNSEL

SANDLER & TRAVIS
TRADE ADVISORY SERVICES
DETROIT • OTTAWA • SÃO PAULO
CONSULTING SERVICES

Case 1:07-cv-10616-DC Document 1-3

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October 12, 2007

Email: gtroy@webtm.com

VIA FEDERAL EXPRESS AND EMAIL

Gordon E.R. Troy, PC
3333 Lake Road
PO Box 368
Charlotte, VT 05445

Re: Revise Clothing Inc. v. Wet Jeans and Jean City USA

Dear Mr. Troy:

We have reviewed this matter thoroughly with our client and do not believe there is any likelihood of confusion between your client's mark and the stylized form of VANILLA used by ours, especially in light of other third party users of this common word within the same industry. Nevertheless, in an effort to expeditiously and amicably resolve this matter without further debate, our client has agreed to stop, as of today's date, producing further products under this label and will, as promptly as possible, ensure the sell off of its existing in-store merchandise bearing the VANILLA brand name.

We trust this will satisfy your concerns and put this matter to rest.

Sincerely,

Sandler, Travis & Rosenberg, P.A.

By: Lauren Perez
Lauren V. Perez
Vice President of Regulatory Matters

cc: EMJ
Client

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GORDON E. R. TROY, PC

802 425-9060
802 425-9061 Fax
gtroy@webtm.com
<http://www.webtm.com>

Attorney at Law
3333 Lake Road
PO Box 368
Charlotte, VT 05445

Admitted in:
Vermont, Illinois,
New York, and
District of Columbia

Practice Exclusively in the area of Intellectual Property Law and Information Technology Matters

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October 16, 2007

Via Fax & Email

Ms. Lauren V. Perez
VP of Regulatory Matters
Sandler, Travis & Rosenberg, P.A.
The Waterford
5200 Blue Lagoon Drive
Miami, FL 33126-2022

lperez@strtrade.com; [fax: Ms. Lauren V. Perez@Sandler, Travis
& Rosenberg, P.A.@1 (305) 267-5155]

Re: Revise Clothing Inc. v. Wet Jeans and Jean City USA
Trademark Infringement of VANILLA STAR (Reg. No. 2762901)
Our Ref: 1588-003.004

Dear Ms. Perez:

I refer to your letter of October 12, 2007 responsive to mine concerning the above referenced matter.

We appreciate your client's willingness to cooperate in this matter, however we disagree with your legal conclusions in the matter as well as the resolution you propose, namely that your "client has agreed to stop, as of today's date, producing further products under this label [VANILLA] and will, as promptly as possible, ensure the sell off of its existing in-store merchandise bearing the VANILLA brand name." This is inadequate for a number of reasons, including, that there is no time commitment to immediately remove all VANILLA branded merchandise from stores, and it does not address the fact that there is consumer confusion with the obviously inferior quality products sold by your client. My client has received return samples from buyers of your client's products believing these products to emanate from my client when in fact they come from your client. As you well know, actual confusion is not a requirement under the law, but when it exists it further supports claims of a likelihood of confusion.

My client has been patient for a month now since sending its original cease and desist letter to Wet Jeans, however, its patience has now expired. My client will enforce its rights as is necessary under the law. We again reiterate all of our demands first made in our letter of September 17, 2007, which your client is obviously attempting to avoid. In addition to the demands made in our September 17, 2007, we further demand that you provide us with a complete list of all stores where the infringing merchandise has been shipped, or is otherwise available for sale, along with specific details on either the destruction of the product, or the removal of all labels and tags bearing VANILLA.

This message is intended only for the use of the addressee and may contain information that is PRIVILEGED, CONFIDENTIAL, and/or ATTORNEY WORK PRODUCT. If you received this communication in error: 1) disclosure, copying, distribution or taking any action in reliance on the contents of this communication is strictly prohibited; 2) please delete and destroy all copies; and, 3) kindly notify us immediately. Your cooperation is greatly appreciated.

GORDON E. R. TROY, PC

October 16, 2007

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As this has dragged on for an unnecessarily long period of time, we hereby demand complete compliance with our demands contained in our September 17, 2007 and as stated above, no later than the close of business October 22, 2007. Otherwise, and without further notice to you or your client, we shall pursue litigation of this matter seeking an immediate injunction as provided under the law.

Very truly yours,
GORDON E. R. TROY, PC



By: _____
Gordon E. R. Troy, Esq.