

Law Offices of Jane Oak and Associates, P.C.

Tel: [REDACTED]

January 18, 2011

VIA CERTIFIED MAIL TO CRYSTAL ZARPAS, AND
VIA FACSIMILE TO LARRY ECOFF, ESO. AT (310) 887-1855
AND VIA EMAIL TO ERICAMC@CA.RR.COM

Cheeky Monkey, Inc.
c/o Crystal Zarpas
[REDACTED]

RE: Trademark for "Flying Pig" Catering Trucks – CEASE AND DESIST

Dear Ms. McLean:

My office represents both Joe Kim (individually and in his capacity as the principal owner of JJWave Corp.) and JJWave Corp., which operates the "Flying Pig" catering trucks (collectively, "Client"). My Client has been operating the Flying Pig trucks for over a year, and has built up a reputation as one of the most desirable, highest-quality food trucks in Los Angeles. He now finds his reputation at risk of being totally destroyed as a result of your company's unauthorized use of his trademark and logo in an adult film entitled "The Flying Pink Pig," which he understands you plan to release on DVD beginning January 24, 2011. My client is therefore demanding that you **cease and desist** from selling, distributing, or otherwise using my Client's trademark, logo, images, likeness, name, or any other intellectual property.

I am in receipt of a document entitled "Visual Materials and Trademark License Agreement" ("Purported License") which appears to be drafted by your company and signed by my Client. Please be aware that this document provides you with no rights of any kind, and that any provisions therein which purport to authorize you to use the "Flying Pig" trademark (the "Trademark" hereinafter) are **void** and **unenforceable** for the following reasons.

First, although the Purported License describes my client's Trademark as the "logo and trademark for 'The Pink Pig' Catering Trucks," the same is not a valid description for my client's Trademark. The Trademark consists of the words "The Flying Pig" along with its related color, artwork and logo and is registered with the USPTO as owned by my client. The trademark held by my Client is described in the enclosed

Cheeky Monkey, Inc.

January 18, 2011

Page 2 of 2

trademark registration. My Client, however, owns no trademark for "The Pink Pig" as described in your Purported License.

Second, any trademark license you claim to have obtained from my client was acquired through fraud, in the form of intentional misrepresentation of material facts. In negotiating with my client to obtain the use of the Flying Pig truck, you stated that you wished to use it in a "movie", carefully omitting the fact that said "movie" was pornographic in nature, and that sex acts, simulated or otherwise, would be filmed taking place in and around the truck. Had you disclosed these material facts, my Client would have never granted you the use of the truck or any trademark license.

As a result of your misrepresentations, my Client has already begun to suffer damage to his business. Although your company's DVD has not yet been released, news of its upcoming release has already been published by the LA Weekly and other media outlets. Said news releases clearly identify the truck in the movie as the one operated by my Client. These disclosures have already begun causing loyal customers to voice concerns about the healthfulness of the food served by my client's trucks. The release of the DVD will cause severe and irreparable erosion of his client base.

Please confirm to my office, in writing, that the film entitled "The Flying Pink Pig" will be withdrawn from release, by no later than **12:00 noon on Wednesday, January 19, 2011**, and you will cease and desist from using my Client's intellectual property in any manner. If I do not hear from you or your company by then, I will have no choice but to file a lawsuit against you for an injunction against the release of your film, and for damages resulting from your infringement of my Client's trademark and your intentional misrepresentations of fact to my client, and will see all remedies available.

All rights are reserved.

Sincerely,



Jane Oak, Esq.

United States of America

United States Patent and Trademark Office



Reg. No. 3,903,637

JJWAVE CORP. (CALIFORNIA CORPORATION)

Registered Jan. 11, 2011

Int. Cl.: 43

FOR: RESTAURANT, CAFE, CATERING SERVICES, MOBILE CAFE SERVICES FOR PROVIDING FOOD AND DRINK, IN CLASS 43 (U.S. CLS. 100 AND 101).

SERVICE MARK

FIRST USE 10-16-2009; IN COMMERCE 10-16-2009.

PRINCIPAL REGISTER

THE MARK CONSISTS OF AGAINST A SOLID PINK BACKGROUND, PALE PINK PIG OUTLINED IN WHITE IS FACING TO THE LEFT, WITH TWO WINGS ON ITS BACK OUTLINED IN WHITE; WHITE OVAL SHADOW UNDERNEATH PIG; TWO BLUE CLOUDS OUTLINED IN WHITE ARE LOCATED TO THE LEFT OF THE PIG AND TWO BLUE CLOUDS OUTLINED IN WHITE ARE LOCATED TO THE RIGHT OF THE PIG; FUSCIA LETTERS "F.P." WITHIN A DARK PINK HEART OUTLINED IN WHITE IS LOCATED ON THE SIDE OF THE PIG; BLACK LETTERS "FLYING PIG" ON TAN ARROW-SHAPED SLIGHTLY-CURVED BANNER IS LOCATED ABOVE THE PIG.

THE COLOR(S) PINK, DARK PINK, PALE PINK, FUSCIA, BLUE, WHITE, TAN, AND BLACK IS/ARE CLAIMED AS A FEATURE OF THE MARK.

SER. NO. 85-041,914, FILED 5-18-2010.

WILLIAM P. SHANAHAN, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office