

LAW OFFICES

CHICAGO, ILLINOIS

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June 16, 2008

Via U.S. Mail and e-mail to

Mr. Andrew Mottaz
Protoshare.com
Site9, Inc.
519 SW 3rd Avenue
Suite 400
Portland, Oregon 97204

Re: Proprietary Fonts within ProtoShare Product

Dear Mr. Mottaz:

Thank you for your phone call and e-mail of June 9, 2009, responding to my letter of June 4, 2009. We appreciate the swift response.

From our communications, I understand that it is the representation of Site9, Inc., that its Protoshare product does not have font software programs embedded within that are accessible by end-users. Instead, the Protoshare product works with the end-user's browser to access font software on the end-user's operating system. If the end-user selects a font from the font dropdown menu and the end-user's operating system contains that font software, the Protoshare product can render text using that specific font software. However, if the end-user's operating system does not contain a font listed in the dropdown menu, the Protoshare product works with the browser to substitute a similar font software program from the operating system in place of the selected font. It is unclear whether the dropdown menu reflects, in cases where there is font substitution, that a change has taken place.

You requested that I elaborate our trademark concerns about the foregoing font substitution scheme. Our concern is that the Protoshare product will display, in the dropdown menu or in some other place visible to the end-user, the trademark of my clients' proprietary font software program although the end-user is in fact using substitute font software due to the font substitution process. For instance, the drop-

down menu may read "Arial," but the program may in fact be using another sans serif typeface. As the owner of registered trademarks, my clients have the legal obligation to conduct quality control of all font software bearing their trademarks. In our experience, it is extremely difficult for a font substitution process to consistently show the trademark of the substitute font (instead of the trademark of the initially selected font) across all possible browsers.

To resolve our concerns about the foregoing, we propose that Protoshare conduct a review of the Protoshare font substitution process across various browsers to ensure that our clients' trademarks are not seen by the end-user after font substitution has taken place. Then, Protoshare could send a statement, bearing the signature of an authorized party, that Protoshare has reviewed its font substitution process and that at no time do end-users see my clients' trademarks when font substitution has taken place.

Please confirm whether you agree with this course of action.

Very truly yours,