

April 10, 2012

VIA EMAILbenbrew@verion.net & FEDERAL EXPRESS

BEN SCHWALB
550 Charington Drive
Severna Park, MD 21146

Re: Infringement of CHICKEN SOUP FOR THE SOUL Trademark

Dear Mr. Schwalb:

Our firm represents Chicken Soup for the Soul Publishing, LLC ("CSSP") in intellectual property matters, including the procurement and enforcement of trademark rights. CSSP is, and for many years has been, a publisher of very popular books which are widely distributed throughout the United States.

Since 1993, our client, its predecessors-in-interest and its licensees have marketed a series of inspirational and self-esteem books and other products under the CHICKEN SOUP FOR THE SOUL trademark. The CHICKEN SOUP FOR THE SOUL trademark is registered with the United States Patent and Trademark Office for books and a variety of other goods. A copy of our client's book registration, Registration No. 2,140,364 dated March 3, 1998, is enclosed. That registration is incontestable.

The CHICKEN SOUP FOR THE SOUL book series has achieved great success for almost two decades. To date, the book series includes over 200 titles, has sold over 112 million copies, with titles translated into 40 languages. The success of the CHICKEN SOUP FOR THE SOUL brand is due in part to the high quality of the books and licensed products, and CSSP's marketing and promotional efforts. CSSP has spent substantial time, money and effort in building up and developing consumer recognition, awareness and goodwill in CHICKEN SOUP FOR THE SOUL trademark, which is a valuable asset that must be protected.

No one other than CSSP and its licensees are authorized to manufacture, advertise, offer for sale or sell any product utilizing the CHICKEN SOUP FOR THE SOUL trademark or any confusingly similar designation without the express written permission of CSSP. Any such unauthorized use is a violation of federal law, specifically Title 15 of the United States Code, which prohibits use in commerce of an imitation of a registered trademark which is likely to cause confusion as to the source of goods (Section 1114) or which constitutes a false designation of origin (Section 1125(a)). That statute authorizes the U.S. district courts to enjoin such infringing uses and to award trademark owners the infringer's profits, any damages sustained by the trademark owner and costs. In cases of willful infringement, increased damages and legal fees may be awarded.

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It has recently come to our attention that you are offering for sale and selling a book entitled "Soup for the Chicken's Soul" on your website and on Amazon.com. Our client objects to the sale of this book because the title of the book is so close in appearance, sound and meaning to our client's registered CHICKEN SOUP FOR THE SOUL trademark that the use of same is likely to cause confusion in the marketplace as to the source of the "Soup for the Chicken's Soul" book and to deceive potential purchasers into believing that this book is actually one of the books in the famous CHICKEN SOUP FOR THE SOUL book series or that it comes from the same source as our client's books, or from a source authorized or sponsored by our client.

Accordingly, it is necessary that you immediately cease all advertising and sale of this book. We are therefore reaching out to you to advise you of our client's rights and ask that you voluntarily stop offering this book for sale.

Should you refuse our request and choose to continue to sell advertise and sell this book, our client will have no choice but to take legal action against you to enforce its trademark rights, including seeking an injunction prohibiting future sale of the offending book and an award of damages to compensate our client for the injury caused by the sale of this book.

Please let us know if you are willing to acquiesce in our demand prior to April 25, 2012. If we do not hear from you within that period, we will assume that you are unwilling to voluntarily cease selling the offending book. In that event, since you are now fully aware of the situation, we will proceed with the understanding that your infringing activities are willful and that increased damages and legal fees would be obtainable if legal action is required.

No further warning will be forthcoming so please conduct your activities accordingly.

Very truly yours,


Robert L. Epstein

RLE/mbv
Enc. (via FedEx)
cc: CSSP (via e-Mail)

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38 and 50

Reg. No. 2,140,364

United States Patent and Trademark Office

Registered Mar. 3, 1998

**TRADEMARK
PRINCIPAL REGISTER**

CHICKEN SOUP FOR THE SOUL

HANSEN, MARK V. (UNITED STATES CITI-
ZEN)
711 WEST 17TH STREET, SUITE D2
COSTA MESA, CA 92627 AND

CANFIELD, JOHN T. (UNITED STATES CITI-
ZEN)
711 WEST 17TH STREET, SUITE D2
COSTA MESA, CA 92627

FOR: SERIES OF BOOKS AND MAGAZINES
IN THE FIELD OF INSPIRATION AND SELF
ESTEEM, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29,
37, 38 AND 50).

FIRST USE 7-0-1993; IN COMMERCE
7-0-1993.

OWNER OF U.S. REG. NO. 2,048,194.

SER. NO. 75-194,385, FILED 11-7-1996.

ERNESTO CLARKE, EXAMINING ATTORNEY