

AO 120 (Rev. 3/04)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court NCWD on the following Patents or Trademarks:

DOCKET NO. 3:08cv416	DATE FILED 9/8/2008	U.S. DISTRICT COURT NCWD
PLAINTIFF Just Coffee, Inc.		DEFENDANT Dilworth Playhouse, Inc.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 1,979,528		***See attached complaint***
2 1,931,780		
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT	
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CLERK <i>Frank S. Johns</i>	(BY) DEPUTY CLERK <i>Kynda Giff</i>	DATE 9/8/08
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

3. Upon information and belief, Dilworth Playhouse is a corporation organized and existing under the laws of North Carolina, with its principal place of business in Charlotte, North Carolina.

4. Dilworth Playhouse is conducting business within this jurisdiction and is subject to the jurisdiction of this Court.

5. Jurisdiction is proper in this Court based on 28 U.S.C. §§ 1331, 1338(a), 1338(b) and this Court's supplemental jurisdiction.

6. Venue is proper in this Court based on 28 U.S.C. § 1391.

FACTUAL BACKGROUND

Facts Concerning Just Coffee and its Incontestable Trademarks

7. Just Coffee is a premier regional provider of gourmet coffees and related coffee bar services and is well-known for providing quality coffee-related products and services. Currently, Just Coffee and its licensees operate fifteen establishments for coffee bar services throughout North Carolina and in South Carolina and Georgia.

8. Since March 19, 1996, Just Coffee is the owner of federal service mark registrations for the word mark "DILWORTH COFFEE HOUSE," Registration No. 1,979,528 and for the design mark "DILWORTH COFFEE HOUSE," Registration No. 1,931,780 (collectively, the "Incontestable Trademarks"). True and accurate copies of the United States Patent and Trademark Office certificates of registration for the Incontestable Trademarks are attached hereto as Exhibit A and incorporated herein by reference.

9. Since at least as early as November of 1989, Just Coffee has used the Incontestable Trademarks in commerce and in connection with the provision of coffee bar services.

10. The Incontestable Trademarks have become incontestable pursuant to Section 15 of the Lanham Act, 15 U.S.C. § 1065, and therefore constitutes conclusive evidence of Just Coffee's exclusive rights to use the Incontestable Trademarks in connection with coffee bar services pursuant to Section 33 of the Lanham Act, 15 U.S.C. § 1115(b).

11. Just Coffee has expended substantial resources to advertise and promote its coffee bar services and other coffee-related products and services under the Incontestable Trademarks. As a result, the Incontestable Trademarks have attained substantial goodwill and have become exclusively associated with Just Coffee's products and services.

12. In addition to the Incontestable Trademarks, Just Coffee has acquired strong common law trademark rights through its use for over nineteen years of the mark "DILWORTH" in connection with its high quality coffees and coffee-related goods and services (the "Dilworth Trademark").

13. Just Coffee acquired its common law rights in the Dilworth Trademark and its common law rights and registrations in the Incontestable Trademarks prior to the acts of the Defendant complained of herein.

14. Just Coffee has expended a great deal of time, effort and money in connection with the advertising and promotion of high quality goods and services offered for sale and sold in connection with the Dilworth Trademark and the Incontestable Trademarks (hereinafter, collectively the "Trademarks").

15. Just Coffee's growth and tremendous success are due in large part to the public recognition of the high quality goods and services that Just Coffee provides under the Trademarks.

16. As a direct result of Just Coffee's efforts, the general public associates the Trademarks as identifying Just Coffee as the single source of the goods and services sold and offered for sale under the Trademarks. The Trademarks distinguish Just Coffee's goods and services from products and services sold by others.

17. The Trademarks are very valuable assets of Just Coffee. The Trademarks represent and embody the enviable reputation and very valuable goodwill of Just Coffee among members of the trade and purchasing public.

Facts Concerning Defendant's Infringement of the Trademarks

18. Dilworth Playhouse operates an establishment that provides coffee bar services and coffee-related products and services.

19. Dilworth Playhouse is in commercial competition with Just Coffee.

20. Dilworth Playhouse promotes, advertises, and transacts coffee bar services under the marks "DILWORTH" and "DILWORTH PLAYHOUSE" (collectively, the "Infringing Marks").

21. The Infringing Marks being used by Dilworth Playhouse are identical or substantially similar to the Trademarks, and the goods and services offered by Dilworth Playhouse under the Infringing Marks are identical to the goods and services offered under the Trademarks.

22. Both Just Coffee and Dilworth Playhouse advertise in the same manner, offer their goods and services at similar prices, and share the same customer base. The establishment operated by Dilworth Playhouse under the Infringing Marks is less than two miles from a Dilworth Coffeeshouse location operated by Just Coffee.

23. Dilworth Playhouse's use of the Infringing Marks in connection with coffee bar services is likely to cause confusion, mistake or deception with respect to the origin of Dilworth Playhouse's goods and services and Just Coffee's goods and services, including whether Dilworth Playhouse's goods and services are sponsored or approved by Just Coffee or whether there is an association between Dilworth Playhouse and Just Coffee.

24. Dilworth Playhouse's use of the Infringing Marks in connection with coffee bar services has caused actual confusion, mistake or deception with respect to the origin of Dilworth Playhouse's goods and services and Just Coffee's goods and services.

25. This likelihood of confusion, mistake or deception has caused, and continues to cause, harm to Just Coffee's reputation and goodwill and has damaged, is damaging and will continue to damage Just Coffee.

26. Dilworth Playhouse is fully aware of Just Coffee's trademark rights in the Registered Marks and the Dilworth Mark.

27. On July 27, 2006, Just Coffee, through its legal counsel, made a written demand on Dilworth Playhouse (the "Demand Letter") to discontinue use of the Trademarks or any mark confusingly similar thereto, including the modification of Defendant's internet web site www.dilworthplayhouse.com (the "Infringing Site") so that it is not connected with or referring to the sale or promotion of coffee and coffee-related goods and services. The Demand Letter additionally informed Dilworth Playhouse that its infringing conduct had already resulted in at least several known instances of actual consumer confusion between Dilworth Coffeehouse and Dilworth Playhouse. A true and accurate copy of the Demand Letter, without enclosures, is attached hereto as Exhibit B and incorporated herein by reference.

28. Dilworth Playhouse's responses to the Demand Letter and to follow-up correspondence from Just Coffee dated September 21, 2006, October 26, 2006, November 17, 2006, July 17, 2007 and September 27, 2007 have merely been a series of misrepresentations and delaying actions evidencing an unwillingness to cease infringement of the Trademarks. A true and accurate of the correspondence, without enclosures, is attached hereto as collective Exhibit C and incorporated herein by reference.

29. On or about November of 2006, Dilworth Playhouse assured Just Coffee that Dilworth Playhouse's establishment would be changing location and operating under a different name. This misrepresentation was renewed on or about July of 2007 when

Dilworth Playhouse represented to Just Coffee that a contest had been held to pick a new operating name and that the winning name, "Perk at Southend," had been selected.

30. Although signs outside of the Dilworth Playhouse establishment, which has not changed location, were changed to omit reference to the Trademarks, Dilworth Playhouse continues to advertise and market its goods and services under the Infringing Marks. Dilworth Playhouse continues to own and operate the Infringing Site despite Just Coffee's repeated demands to change it so that it is not connected with or referring to the sale or promotion of coffee and coffee-related goods and services. Examples of such demands are evidenced in the letter of July 27, 2006, attached in Exhibit B, and the letters of November 17, 2006, July 17, 2007 and September 27, 2007, included in Exhibit C. Additionally, counsel for Just Coffee contacted counsel for Dilworth Playhouse by phone or email regarding its demands to cease and desist on numerous occasions from August 9, 2006 until at least September 2007.

31. Dilworth Playhouse continues to advertise under the Infringing Marks in the yellow pages of telephone directories. Dilworth Playhouse's listing for the "Dilworth Playhouse Cafe" in the AT&T Yellow Pages of September 2008-09 appears directly below listings for Just Coffee's licensed establishments. A true and accurate copy of the yellow pages listings is attached hereto as Exhibit D and incorporated herein by reference.

32. Just Coffee has never licensed or otherwise authorized Dilworth Playhouse to use the Trademarks.

33. Dilworth Playhouse's actions have caused actual confusion, mistake and deception among the purchasing public.

34. Unless Dilworth Playhouse is enjoined from using the Infringing Marks, or any confusingly similar mark, for coffee bar services and other similar goods or services, confusion, mistake and deception among the public and in the trade will continue to occur by reason of the similar nature of the marks and the goods and services provided by Dilworth Playhouse and Just Coffee. Dilworth Playhouse's acts and omissions evidence an unwillingness to voluntarily cease infringement of the Trademarks.

35. Just Coffee has suffered damages from the confusion, mistake or deception resulting from Dilworth Playhouse's use of the Infringing Marks and will continue to suffer such damages unless Dilworth Playhouse is enjoined and restrained by the Court from using a mark identical to or confusingly similar to the Trademarks.

36. Additionally, Just Coffee has suffered damage to its valuable reputation and goodwill resulting from Dilworth Playhouse's use of the Infringing Marks, and such damages cannot be compensated by money damages. Accordingly, Just Coffee does not have an adequate remedy at law.

37. Just Coffee is likely to succeed on the merits of its claims. Any harm to Dilworth Playhouse if injunctive relief is granted would be outweighed by the harm that will continue to result to Just Coffee if injunctive relief is not granted. The public interest would be served by the granting of injunctive relief.

COUNT I
Trademark Infringement
15 U.S.C. § 1114(1)

38. Just Coffee realleges and incorporates by reference the foregoing allegations as if fully stated herein.

39. The use by Dilworth Playhouse of the Infringing Marks in connection with the sale, offering for sale, distribution and advertising of coffee bar services is without authorization from Just Coffee.

40. This use of the Infringing Marks in commerce is likely to cause confusion, mistake or deception and, accordingly, constitutes trademark infringement.

41. Dilworth Playhouse's use of the Infringing Marks has been, and continues to be, a knowing and willful trademark infringement.

42. Dilworth Playhouse's acts constitute a violation of 15 U.S.C. § 1114(1).

43. By reason of the acts of Dilworth Playhouse as alleged herein, Just Coffee has suffered, is suffering and will continue to suffer irreparable harm unless Dilworth Playhouse is restrained from continuing its wrongful acts as alleged herein.

44. Just Coffee has no adequate remedy at law.

COUNT II
False Designation of Origin and Unfair Competition
15 U.S.C. § 1125(a)(1)(A)

45. Just Coffee realleges and incorporates by reference the foregoing allegations as if fully stated herein.

46. The use by Dilworth Playhouse of the Infringing Marks in connection with coffee bar services is without authorization from Just Coffee.

47. This use of the Infringing Marks is likely to cause confusion, mistake or deception among the relevant public as to source or origin of the parties' goods and services.

48. Dilworth Playhouse's actions as alleged herein constitute false designation of origin and unfair competition in violation of 15 U.S.C. § 1125(a).

49. Upon information and belief, at least some of Dilworth Playhouse's actions have been with full knowledge of the false designation of origin and with the intent to capitalize upon the goodwill associated by the relevant consuming public with the Incontestable Trademarks.

50. By reason of the acts of Dilworth Playhouse as alleged herein, Just Coffee has suffered, is suffering and will continue to suffer irreparable harm unless Dilworth Playhouse is restrained from continuing its wrongful acts as alleged herein.

51. Just Coffee has no adequate remedy at law.

COUNT III
False or Misleading Description or Representation of Fact
15 U.S.C. § 1125(a)(1)(B)

52. Just Coffee realleges and incorporates by reference the foregoing allegations as if fully stated herein.

53. The advertising and promotional materials disseminated by Dilworth Playhouse in the advertising, promotion and marketing of the Defendant's goods and services contain false and misleading representations of fact or descriptions of fact which misrepresent the nature, characteristics, qualities and origin of the Defendant's goods and services.

54. The false and misleading advertising, promotion and marketing acts by Defendants have been and continue to be taking place in interstate commerce.

55. Just Coffee believes it has been and will be damaged by the false and misleading advertising, promotion and marketing acts by Defendant.

56. Dilworth Playhouse's actions as alleged herein constitute false designation of origin and unfair competition in violation of 15 U.S.C. § 1125(a).

57. Upon information and belief, at least some of Dilworth Playhouse's false and misleading advertising, promotion and marketing were made for the purposes of influencing consumers to buy Defendant's goods and services.

58. By reason of the acts of Dilworth Playhouse as alleged herein, Just Coffee has suffered, is suffering and will continue to suffer irreparable harm unless Dilworth Playhouse is restrained from continuing its wrongful acts as alleged herein.

59. Just Coffee has no adequate remedy at law.

COUNT IV
Common Law Trademark Infringement and Unfair Competition

60. Just Coffee realleges and incorporates by reference the foregoing allegations as if fully stated herein.

61. Dilworth Playhouse's acts as described herein constitute trademark infringement and unfair competition under the common law of the State of North Carolina.

62. By reason of the acts of Dilworth Playhouse as alleged herein, Just Coffee has suffered, is suffering and will continue to suffer irreparable harm unless Dilworth Playhouse is restrained from continuing its wrongful acts as alleged herein.

63. Just Coffee has no adequate remedy at law.

COUNT V
Unfair or Deceptive Trade Practices
N.C. Gen. Stat. § 75-1.1

64. Just Coffee realleges and incorporates by reference the foregoing allegations as if fully stated herein.

65. Dilworth Playhouse's conduct as set forth in this Complaint constitutes unfair methods of competition and/or unfair or deceptive acts or practices within the meaning of Section 75-1.1 of the North Carolina General Statutes.

66. Dilworth Playhouse's conduct as set forth in this Complaint is in or affecting commerce within the meaning of N.C. Gen. Stat. § 75-1.1.

67. Dilworth Playhouse's conduct as set forth in this Complaint has caused and continues to cause damage to Just Coffee.

68. Just Coffee is entitled to recover from Dilworth Playhouse treble damages pursuant to N.C. Gen. Stat. § 75-16.

69. In addition, Just Coffee is entitled to recover from Dilworth Playhouse its reasonable attorney fees pursuant to N.C. Gen. Stat. § 75-16.1.

COUNT VI
Preliminary and Permanent Injunction

70. Just Coffee realleges and incorporates by reference the foregoing allegations as if fully stated herein.

71. The damages and injuries caused to Just Coffee by reason of Dilworth Playhouse's violations of 15 U.S.C. § 1125(a)(1)(A), 15 U.S.C. § 1125(a)(1)(B), N.C. Gen. Stat. § 75 et seq. and the common law constitute damages and injuries that are ongoing and for which there is not an adequate remedy at law.

72. Dilworth Playhouse's violations of 15 U.S.C. § 1125(a)(1)(A), 15 U.S.C. § 1125(a)(1)(B), N.C. Gen. Stat. § 75 et seq. and the common law are likely to continue to cause confusion and mistake among other members of the relevant public if Dilworth Playhouse is not preliminarily and permanently enjoined from infringing the Trademarks and from falsely advertising, promoting and marketing Defendant's goods and services.

73. By reason of the foregoing, Just Coffee is entitled to a preliminary and permanent injunction prohibiting Dilworth Playhouse from using the Trademarks, the Infringing Marks or any other names, designs or designations confusingly similar thereto in identifying Defendant's goods and services. Just Coffee is entitled to have the preliminary and permanent injunction include prohibiting Dilworth Playhouse from using

the Infringing Site in connection with the sale or promotion of coffee and coffee-related goods and services.

WHEREFORE, for the foregoing reasons, Just Coffee prays that:

1. Dilworth Playhouse and its representatives, employees, and attorneys, and those acting in concert or in participation with Dilworth Playhouse be preliminarily and permanently enjoined from:

(a) using the Infringing Marks and any other mark that is similar to the Trademarks so as to be likely to cause confusion or mistake, or to deceive the public; and

(b) any other conduct which would cause or is likely to cause confusion, mistake, or misunderstanding in the minds of the public with regard to the Trademarks including, but not limited to, the use of the Infringing Site in connection to the sale or promotion of coffee and coffee-related goods and services.;

2. Dilworth Playhouse be ordered to pay to Just Coffee all damages suffered by Just Coffee as a result of the acts complained of herein;

3. Dilworth Playhouse be ordered to pay to Just Coffee all profits made by it using the Infringing Marks;

4. Dilworth Playhouse be ordered to pay to Just Coffee all statutory damages as provided by law;

5. Dilworth Playhouse be ordered to pay Just Coffee all punitive, treble or exemplary damages as provided by law, including treble damages and treble profits pursuant to 15 U.S.C. § 1117 and as a result of Dilworth Playhouse's violation of N.C. Gen. Stat. § 75-1.1;

6. Dilworth Playhouse be ordered to pay Just Coffee costs and disbursements incurred in the prosecution of this action, including reasonable attorney fees, as provided under and in accordance with 15 U.S.C. § 1117 and North Carolina law including, but not limited to, N.C. Gen. Stat. § 75-16.1; and

7. The Court grant such other and further relief as may be just and proper.

JURY DEMAND

Just Coffee hereby demands trial by jury of all issues so triable.

Respectfully submitted this the 8th day of September, 2008.

s/Alice Carmichael Richey
Alice Carmichael Richey
N.C. Bar # 13677
Daniel V. Mumford
N.C. Bar # 35465
K&L GATES LLP
Hearst Tower, 47th Floor
214 North Tryon Street
Charlotte, North Carolina 28202-4006
Telephone: 704-331-7400
Email: alice.richey@klgates.com
Email: dan.mumford@klgates.com
Attorneys for the Plaintiff



Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 1,979,528
Registered June 11, 1996

**SERVICE MARK
PRINCIPAL REGISTER**

DILWORTH COFFEE HOUSE

JUST COFFEE, INC. (NORTH CAROLINA CORPORATION), DBA DILWORTH COFFEE HOUSE
1235-B EAST BOULEVARD
CHARLOTTE, NC 28203

FOR: COFFEE BAR SERVICES, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 11-0-1989; IN COMMERCE 11-0-1989.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "COFFEE HOUSE", APART FROM THE MARK AS SHOWN.

SEC. 2(f).

SER. NO. 74-669,212, FILED 12-15-1994.

GEORGE POLOGEORGHIS, EXAMINING ATTORNEY

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 1,931,780

Registered Oct. 31, 1995

**SERVICE MARK
PRINCIPAL REGISTER**



JUST COFFEE, INC. (NORTH CAROLINA CORPORATION), DBA DILWORTH COFFEE HOUSE
1235-B EAST BOULEVARD
CHARLOTTE, NC 28203

FOR: COFFEE BAR SERVICES, IN CLASS 42
(U.S. CLS. 100 AND 101).

FIRST USE 11-0-1989; IN COMMERCE
11-0-1989.

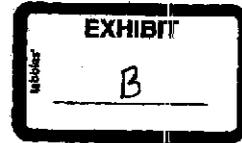
NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "HOUSE", APART FROM THE
MARK AS SHOWN.

THE MARK CONSISTS OF THE WORDS
"DILWORTH COFFEE HOUSE" AND DESIGN
OF A HOUSE AND FRAMEWORK.

SER. NO. 74-611,665, FILED 12-15-1994.

DAVID C. REIHNER, EXAMINING ATTOR-
NEY

Kennedy Covington
ATTORNEYS AT LAW



Alice Carmichael Richey
704.331.7500
704.353.3200 (fax)
arichey@kennedycovington.com

July 27, 2006

Via Certified Mail Return Receipt Requested

Ms. Sandra R. Courtney
Dilworth Playhouse, Inc.
1427 South Boulevard, Suite 103
Charlotte, North Carolina 28203

RE: Dilworth Coffeehouse – Trademark Infringement
KCLH File No. 0019706.00001

Dear Ms. Courtney:

We represent Just Coffee, Inc. ("Just Coffee"). Since 1989, Just Coffee has sold gourmet coffees under the trade name and trademark "DILWORTH COFFEEHOUSE" (the "Mark"). Dilworth Coffeehouse was the first gourmet coffee roaster and coffeehouse in Charlotte, North Carolina, and has received numerous awards for its superior coffee products and services. To date, fifteen locations operate under the Mark, including several locations outside of Charlotte, North Carolina. For your convenience, I have enclosed a list of the locations. You can also learn more about Dilworth Coffeehouse through its website, www.dilworthcoffee.com.

Just Coffee received from the United States Patent and Trademark Office on October 31, 1995, Federal Trademark Registration No. 1,931,780 for the word mark "DILWORTH COFFEE HOUSE" and design, and on June 11, 1996, Federal Trademark Registration No. 1,979,528 for the word mark "DILWORTH COFFEE HOUSE". Both registered trademarks are incontestable pursuant to 15 U.S.C. § 1065. In addition to its federal trademark registrations, Just Coffee has acquired strong common law trademark rights through its use for over 17 years of the mark "DILWORTH" in connection with its high-quality coffees and coffee-related goods and services. Just Coffee has expended large sums of money in connection with the advertising and promotion of such high quality goods and services, and the Mark is a very valuable asset of the company.

We understand your company, Dilworth Playhouse, Inc., is using the marks "DILWORTH" and "DILWORTH PLAYHOUSE" in connection with the sale and promotion of coffee. We also understand you are operating your establishment in Charlotte's South End community less than two miles from the Dilworth Coffeehouse located on East Boulevard. Your use of "DILWORTH" in connection with the sale of coffee is an obvious attempt to benefit from the goodwill and excellent reputation developed under my client's Mark. As result of your use of similar marks for identical services, there have been several incidences of consumer confusion

Dilworth Playhouse, Inc.
July 27, 2006
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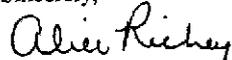
between Dilworth Coffeehouse and your company. For example, recently at the SCAA held this April in Charlotte, North Carolina, several attendees stated to Dilworth Coffeehouse representatives that they saw or visited the Dilworth Coffeehouse located in Charlotte's SouthEnd on South Boulevard. Just Coffee does not have a Dilworth Coffeehouse in SouthEnd. When representatives inquired further, they learned that the attendees had confused the Dilworth Coffeehouse with your company. These are a few of the many examples of actual consumer confusion documented by Just Coffee. Such confusion has caused and will continue to cause harm to Dilworth Coffeehouse's sales, goodwill, and the reputation of its services.

The use of "DILWORTH" and "DILWORTH PLAYHOUSE" by your company for services identical to those of Just Coffee constitutes a violation of Just Coffee's trademark rights as owner of the Mark and constitutes trademark infringement, false advertising and unfair trade practices in violation of Section 32 and Section 43(a) of the Lanham Act. These actions have caused and will continue to cause confusion, mistake and deception in violation of the Act. Additionally, these actions constitute unfair competition and violation of Just Coffee's common law trademark rights.

Accordingly, we demand that you take immediate steps to discontinue any and all uses of the designation "DILWORTH" as a trademark, or any mark confusingly similar thereto. This includes discontinuing and withdrawing all signage and promotional materials which use "DILWORTH" as a trademark and immediately modifying the website located at www.dilworthplayhouse.com so that it is not in any way connected with or referring to the sale or promotion of coffee and coffee-related goods and services. Because your company conducts business in Charlotte's SouthEnd community, we suggest that you change your name to the SouthEnd Playhouse.

In view of the seriousness of this matter, including the scope of the infringing actions by your company, we must ask that you advise us of your company's intentions in this matter on or before **August 9, 2006**. If we have not received a satisfactory response by that date, we shall assume that your company has no interest in resolving this matter, and we shall advise our client to proceed accordingly without further notice to you, including filing a civil action against your company and any liable principals for an injunction and for all damages, including lost profits, statutory damages and attorneys' fees.

Sincerely,



Alice Carmichael Richey
For the Firm

Enclosure

cc: Donald Keen (w/enclosure)

Kennedy Covington
ATTORNEYS AT LAW



Allison G. Runge
704.331.7404
704.333.3104 (fax)
arunge@kennedycovington.com

September 21, 2006

VIA FACSIMILE (516) 741-5842 AND US MAIL

Lawrence T. Jones, Esq.
Jones and Jones
1000 Franklin Avenue
Garden City, New York 11530

RE: Just Coffee/ Dilworth Playhouse
KCLH File No. 0019706.00001

Dear Mr. Jones:

Thank you for your return telephone call yesterday afternoon.

As I explained in our conversation, my client desires to resolve this matter amicably without either party incurring litigation costs and intends to provide a reasonable period of time for Dilworth Playhouse to convert to a new trade name. However, Just Coffee must soon have written assurance that Dilworth Playhouse will take steps to discontinue use of "DILWORTH" and "DILWORTH PLAYHOUSE" as a trademark in connection with coffee and coffee related services and products.

I understand from our conversation that you intend to contact me in a few days with information about when Dilworth Playhouse will discontinue use of the "DILWORTH" designation. We remain hopeful Dilworth Playhouse desires to resolve this issue in the short term and are happy to review any alternative trade names posed by your client if this will help facilitate resolution.

I look forward to hearing from you very soon.

Sincerely,

A handwritten signature in cursive script that reads "Allison G. Runge".

Allison G. Runge

cc: Donald Keen
Alice C. Richey, Esq.

Kennedy Covington

ATTORNEYS AT LAW

Allison G. Runge
704.331.7404
Fax: 704.353.3104
arunge@kennedycovington.com

October 26, 2006

VIA FACSIMILE (516) 741-5842/
ORIGINAL VIA FIRST CLASS MAIL

Lawrence T. Jones, Esq.
Jones and Jones
1000 Franklin Avenue
Garden City, New York 11530

RE: Just Coffee/Dilworth Playhouse
KCLH File No. 19706.001

Dear Mr. Jones:

With reference to your letter of August 10, 2006, we understand that you were to have an "in depth" review of our initial letter of July 27, 2006 and the issues raised therein with your client, Ms. Sandra R. Courtney. However, after several correspondences with you regarding this matter, including our letter to you dated September 21, 2006, we still have not received any written assurance or confirmation from Dilworth Playhouse, Inc. of the intent to discontinue all use of the marks "DILWORTH" and "DILWORTH PLAYHOUSE" in association with coffee bar services and coffee-related products and services.

As stated previously, our client would prefer to resolve this matter amicably without resorting to legal action. However, Dilworth Playhouse, Inc.'s continued failure to address these concerns leaves our client with no other option but to proceed accordingly in a court of law. With this in mind, please find enclosed a Complaint to be filed on November 14, 2006 in the U.S. District Court for the Western District of North Carolina in the event that our client does not receive by November 13, 2006 proper written assurances from Dilworth Playhouse Inc. with respect to its intent to discontinue use of the "DILWORTH" and "DILWORTH PLAYHOUSE" marks.

We look forward to hearing from you regarding this matter at your earliest convenience.

Sincerely,

Allison Runge

Allison G. Runge
For the Firm

Enclosure

Cc: Donald Keen
Alice C. Richey, Esq.

Kennedy Covington
ATTORNEYS AT LAW

Allison G. Runge
704.331.7404
Fax: 704.353.3104
arunge@kennedycovington.com

November 17, 2006

VIA FACSIMILE (516) 741-5842/
ORIGINAL VIA FIRST CLASS MAIL
Lawrence T. Jones, Esq.
Jones and Jones
1000 Franklin Avenue
Garden City, New York 11530

FOR SETTLEMENT PURPOSES ONLY

RE: Just Coffee/Dilworth Playhouse
KCLH File No. 19706.001

Dear Mr. Jones:

Thank you for your phone call last Thursday, November 9th. We have reviewed your offer with our client, and unfortunately, we are unable to resolve this matter under those particular terms. However, we are offering through this letter an alternative settlement proposal for your consideration. Any settlement obtained by the parties must be memorialized in writing and signed by the parties.

1. On or before April 1, 2007, Dilworth Playhouse, Inc. ("Dilworth Playhouse") and Sandra Courtney will cease and forever refrain from any and all uses of the marks DILWORTH and DILWORTH PLAYHOUSE when identifying Dilworth Playhouse, its services and products. This includes discontinuing and withdrawing all signage and promotional materials which use "DILWORTH" as a trademark. Although Dilworth Playhouse may continue to use its corporate name, Dilworth Playhouse, Inc., it will not use its corporate name in any advertising or to identify its services or products after March 31, 2007.

2. We understand Dilworth Playhouse intends to change its name and no longer operate in its present location at 1427 South Boulevard, Suite 103, in Charlotte, North Carolina. If Dilworth Playhouse intends to continue to operate its coffee bar services and coffee-related products and services in a different location, Dilworth Playhouse must begin advertising its new name and location at its South Boulevard location and in all advertising beginning not later than January 1, 2007. For example, the advertising may state, "We are moving! NEW NAME, formerly Dilworth Playhouse, is moving to its new location at NEW LOCATION on April 1, 2007."

Lawrence T. Jones, Esq.
November 17, 2006
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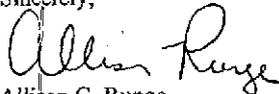
3. Within ten days of entering the Agreement, Dilworth Playhouse will modify the website located at www.dilworthplayhouse.com so that it is not in any way connected with or referring to the sale or promotion of coffee and coffee-related goods and services.

4. On July 27, 2006, Just Coffee first attempted to contact Dilworth Playhouse to amicably resolve this matter. Almost four months later, my client has incurred attorney's fees in association with time spent to draft letters, to initiate phone calls, and finally to draft the Complaint. Based upon our considerable evidence of actual confusion, we believe we have a strong case against Dilworth Playhouse for violation of the Lanham Act and for an award of damages under 15 USC § 1117(a) which would include Dilworth Playhouse's profits, recovery for harm to Just Coffee's reputation and costs associated with bringing the action. Moreover, we believe your client's continued infringement after receiving notice from Just Coffee was willful and warrants an award of attorney's fees.

Although Just Coffee is aware that it is entitled to such awards, it has advised us that in settlement, it seeks only to recover its costs incurred in pursuing the infringing activity of Dilworth Playhouse. As such, Just Coffee requires payment of \$5,000 to resolve this matter. Obviously, Just Coffee believes that but for Dilworth Playhouse's failure to respond timely to Just Coffee's demands, it would not have incurred additional attorney's fees. To date, Just Coffee has been invoiced almost \$4,000 by Kennedy Covington Lobdell & Hickman. It anticipates incurring no less than \$1,000 in the drafting and negotiating of any settlement.

Although frustrated by the slow pace of this process, my client does desire resolution. We look forward to hearing from you regarding this matter at your earliest convenience.

Sincerely,



Allison G. Runge
For the Firm

Cc: Donald Keen
Alice C. Richey, Esq.

Kennedy Covington

ATTORNEYS AT LAW

Alice Carmichael Richey
(704) 331.7500 (voice)
(704) 353.3200 (fax)
arichey@kennedycovington.com

July 17, 2007

VIA FACSIMILE: 516-741-5842
e-mail: LAWRENCE@JONES@ABANET.ORG
and REGULAR MAIL

Lawrence T. Jones, Esquire
JONES AND JONES
Attorneys-At-Law
1000 Franklin Avenue
Garden City, New York 11530

Re: Just Coffee, Inc./Dilworth Playhouse matter
Our File No. 0019706.00001

Dear Mr. Jones

As you know, I represent Just Coffee, Inc. which operates under the name Dilworth Coffeehouse. It is my understanding that your client, Dilworth Playhouse, has finally agreed to use a different name under which to conduct business and may have begun the process of changing the name. However, this process has not been completed and, additionally, your client continues to operate a website at www.dilworthplayhouse.com, which is a further infringement of my client's trademark rights. It is time for this matter to be concluded. My client has been more than patient. It is a relatively simple matter to change signage and to change a website. Please advise your client that all steps to completely change its name **must** be concluded on or before July 31, 2007. We will not tolerate any further delays.

Thank you for your assistance.

Sincerely yours,


Alice Carmichael Richey
For the Firm

ACR:ja

4824-8925-3121.01

Kennedy Covington
ATTORNEYS AT LAW (50)

Alice Carmichael Richey
(704) 331.7500 (voice)
(704) 353.3200 (fax)
arichey@kennedycovington.com

September 27, 2007

VIA FACSIMILE: 516-741-5842
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and REGULAR MAIL

Lawrence T. Jones, Esquire
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Garden City, New York 11530

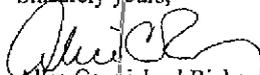
Re: Just Coffee, Inc./Dilworth Playhouse matter
Our File No. 0019706.00001

Dear Mr. Jones

As of today, the www.dilworthplayhouse.com website is still in operation and continues to infringe my client's trademark rights. Needless to say, my client is extremely frustrated with your client's continued willful infringement. We had hoped to avoid filing a lawsuit, but it does not appear that the infringement will cease without the court's involvement. If the website is not modified in a manner satisfactory to my client by October 15, 2007, a complaint will be filed and it will seek the award of attorneys' fees, along with damages, including statutory damages which we believe are compelled in this matter.

If you no longer represent Dilworth Playhouse please advise immediately.

Sincerely yours,


Alice Carmichael Richey
For the Firm

ACR:ja

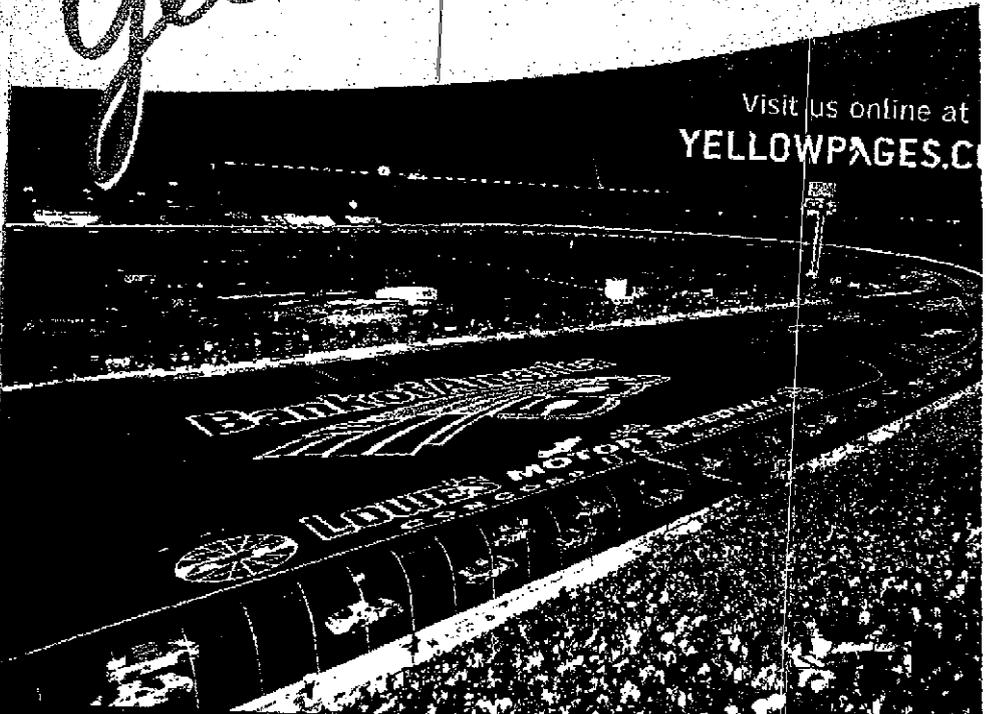
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EXHIBIT
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 19722 One Herman Blvd Charlotte - 704 875-6564
 Starbucks Coffee #211 N Tryon St - 704 547-1787
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 9980 S Tryon St Char - 704 504-1832
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 3513 Matthews Township Pkwy Matthews - 704 844-0840

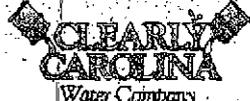
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 Park City Java House Trust
 134 N Tryon St Char - 704 333-9339
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