



NATIONAL FOOTBALL LEAGUE

January 4, 2008

**VIA EXPRESS MAIL
AND E-MAIL (jim@wise-acre.com)**

Mr. Jim Picariello
Wise-Acre, Inc.
173 Varnumville Rd
Brooksville, Maine 04617

**Re: In Re Application of Wise-Acre, Inc.
Serial No.: 77/187,810
Mark: COOL YOUR JETS**

Dear Mr. Picariello:

NFL Properties LLC ("NFLP") is the exclusive representative of the National Football League ("NFL") and its thirty-two Member Clubs, including New York Jets LLC (the "New York Jets Club"), for the licensing and protection of their names, logos, symbols, and other identifying marks.

The New York Jets Club has developed strong trademark rights in its JETS and NEW YORK JETS marks. The extensive use and promotion of goods and services offered by the New York Jets Club in conjunction with these marks has made these marks famous and has engendered immense goodwill and strength.

It has come to our attention that Wise-Acre, Inc. ("WAI"), has filed an application (Serial No. 77/187,810) seeking to register the mark COOL YOUR JETS in the United States Patent and Trademark Office in International Classes 30 for "frozen confections." We are concerned that the similarities between the New York Jets Club's famous JETS and NEW YORK JETS marks and WAI's COOL YOUR JETS mark may cause the public to mistakenly believe that WAI's goods are authorized or sponsored by, or are somehow affiliated with the New York Jets Club. This is especially the case because the New York Jets Club's marks are used under license on frozen confection products.

As you may be aware, we have filed a Request for an Extension of our Time to Oppose application Serial No. 77/187,810. We would like to resolve this matter in a mutually agreeable manner.

As such, NFLP will consent to WAI's use and registration of the COOL YOUR JETS mark for the goods covered by application Serial No. 77/187,810 and in the form covered by that application provided that WAI agrees that:

- (1) WAI will amend the identification of goods in application Serial No. 77/187,810 to read "frozen confections, not provided or used in connection with sports or sporting events." This Amendment will be filed with the United States Patent and Trademark Office electronically through its web site as well as by facsimile to the United Patent and Trademark Office at (571) 270-9007;
- (2) WAI will not use or employ, in any manner or form, on any product or in any promotions and/or advertisements or on any Internet web site, any designations and/or indicia, including, but not limited to COOL YOUR JETS, which, separately or in combination, create a commercial impression of sponsorship, affiliation, endorsement, association, licensing, approval or other connection to the NFL, the New York Jets Club, and/or the other Member Clubs of the NFL, including without limitation: (a) use of the name, likeness, or other identification of any past, present, or future NFL football player; (b) use of any identification of the New York Jets Club, such as "New York" or any of the New York Jets Club's logos; (c) promotion of any products or services in connection with the sport of American football or use of any of WAI's marks in connection with the sport of American football; and (d) promotion of any products or services at any venue where the sport of American football is played or use of any of WAI's marks at any venue where the sport of American football is played;
- (3) WAI will not use its COOL YOUR JETS mark in the colors green or white or in any combination of these colors;
- (4) WAI will cooperate in the New York Jets Club's efforts to obtain registrations for its JETS and NEW YORK JETS marks and variations thereof, including without limitation, the execution of consent agreements;
- (5) WAI will not object to, oppose, or challenge the New York Jets Club's use, application to register, or registration of its JETS and NEW YORK JETS marks and variations thereof and will take no actions adverse to the New York Jets Club's efforts to obtain registrations of its JETS and NEW YORK JETS marks and variations thereof, including without limitation, the commencement of an opposition proceeding; and
- (6) WAI will always use its COOL YOUR JETS mark in the manner shown in application Serial No. 77/187,810 and in no event will WAI use the word "Jets" in a form or font that is more prominent than the words "Cool" and "Your" as used in the COOL YOUR JETS mark.

If WAI agrees to the terms set forth in this letter, please ask a representative of WAI to sign and date the enclosed extra copy of this letter and return it to me at the address on the letterhead to acknowledge its agreement to these terms. I look forward to discussing this matter with you and to hopefully reaching an amicable resolution to this matter.

Sincerely,



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Counsel
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JDP:mc
Enclosure

Received, Accepted, and Acknowledged:

WISE-ACRE, INC.

By: _____

Title: _____

Date: _____