

Pimp That Snack Ltd.

Simmons & Simmons
CityPoint
One Ropemaker Street
London
EC2Y 9SS

1st July 2006

Dear Sirs,

Re: Viacom International Inc. – PIMP MY RIDE

We refer to your letter of 28 June 2006. Whilst we had hoped that our letter of 23 May 2006 would bring an end to this matter, we now find it necessary to make some clarifications in respect of your response.

We would firstly like to point out that, as you are no doubt aware, registration of a trademark is not conclusive evidence of its distinctiveness, and a trademark that has been registered may be challenged on various grounds. In particular, an application can be made under section 47 of the Trade Marks Act 1994 for a trademark to be invalidated on the basis that it did not merit registration in the first place due to a lack of distinctiveness of the mark. Furthermore, an application can be made for a trademark to be revoked on the grounds that it has become generic. Given our evident disagreement on the validity of your trademarks, this is something which we consider to be an option open to us should we require it, as we do not feel it would be difficult to prove that your trademarks are in no way distinctive.

For the record we consider that your statement that "the PIMP MY and PIMP MY RIDE marks are distinctive of [sic] our client, and its television programming services" is entirely without basis. The marks were clearly derived from popular culture and lack any distinctiveness whatsoever. MTV did not invent the phrase "Pimp my ..."; on the contrary, they chose it as a name for their television programme because of the very ubiquity and common usage which precludes it being distinctive to your client.

In light of the above, your assertion that your applications "are no longer open to opposition", whilst perhaps technically correct (in so far as there is a difference between an opposition proceeding and an application for revocation or invalidation), would appear to be nothing more than an attempt to deliberately mislead a party you clearly consider less knowledgeable into believing that they do not have any legal redress to challenge your trademarks. Please be advised that we are fully aware of the all of the options available to us and we reserve our right to take up any and all of these options at a future date as we see fit.

Secondly, we again refer you to the very comment that you noted appears on the www.pimpmysnack.com website, which states:

'While we are changing the name, this should not be taken as an admission of liability, trademark breach, or otherwise an acknowledgement of Viacom's argument'.

Your comments implying our acceptance of your client's enforceable rights are therefore indeed presumptuous. We fail to see how you can possibly have misunderstood this unequivocal statement and do not appreciate your attempt to misrepresent our position, which we have set out sufficiently clearly for even those not legally educated to understand. Whilst it is of course your prerogative to interpret our statement any way you wish, such prerogative does not then make your interpretation any less wrong. As this point therefore appears to have been a cause of some doubt or confusion for you, we again state categorically that we in no way acknowledge or accept your client's position.

We note that you say that your client "does not intend to take any further action at this time, as long as your use of the PIMP MY SNACK mark (including URL address) ceases, and does not recommence". We would therefore like to take this opportunity to remind you that section 21 of the Trade Marks Act provides remedies in the instance of groundless threats of infringement proceedings being made, which we consider both this and your previous letter to be. We therefore reserve the right to avail ourselves of such remedies.

We would question your remarks that make mention of the "further damage ... caused to our client or its trademarks" which may be caused in the event we were to continue using the "Pimp My Snack" phrase in any way. We are curious as to what evidence you could present that demonstrates how any form of 'damage' has occurred thus far, and the tangible, accountable manner in which it has manifested. Whilst we do not accept or consider that having done so would have caused your client damage in the first place, we wish to point out that no goods or paraphernalia in the form of t-shirts or otherwise have ever been produced or sold that feature the phrase 'Pimp My Snack' and the www.pimpmysnack.com website address currently exists now only to provide a public record of our communications.

Finally, we note that you consider it "regrettable" that we have not "worked with your client" in relation to this matter. We consider we have so far responded in a more than reasonable and helpful manner under the circumstances. What is more regrettable is that MTV and Viacom International Inc. are unable to see the website in the light of the harmless, humorous and altogether fun ideologies that are the integral part of its unique concept. Despite its popularity, the site has little in the way of commercialisation, was not started with this in mind, and, ironically, the total income resulting from the incidental commercialisation since its inception has been less than the cost of maintaining this legal correspondence.

Yours Sincerely,



Peter Wilcock

For and on behalf of Pimp That Snack Ltd.