

HANSEN, JACOBSON, TELLER, HOBERMAN,
NEWMAN, WARREN & RICHMAN, L.L.P.
ATTORNEYS AT LAW

STEWART S. BROOKMAN
GRETCHEN BRUGGEMAN RUSH
JOHN H. FARRELL
LEV GINSBURG
THOMAS HANSEN
JASON P. HENDLER
THOMAS H. HOBERMAN

CRAIG A. JACOBSON
JOHN V. MEIGS, JR.
JEANNE NEWMAN
KENNETH H. RICHMAN
SAM E. ROSSWAY
DONALD W. STEELE
WALTER S. TELLER
STEPHEN P. WARREN

VIA PERSONAL DELIVERY, FASCIMILE AND E-MAIL

August 2, 2007

Blue Yonder Aerial Advertising
Whiteman Airport
12653 Osborne Street #19
Pacoima, CA 91331
Attention: Jerry Hider

Re: "Big Brother 8"

Dear Mr. Hider:

This law firm represents Endemol USA Inc., the producer of and owner of all copyrights, trademarks and other rights in and to the popular television series "Big Brother" (the "Program").

It has come to our attention that you are planning to fly a banner over the Big Brother House to notify the Big Brother houseguests that one of the houseguests, Eric, is America's Player and voting to evict the houseguest who America selects via an interactive poll. As you are aware, other than Eric, all of the Big Brother houseguests are purposefully unaware of this twist, thereby making it an essential and critical component of the Program. In addition, our client's business partners, including, without limitation, CBS, have relied on this information remaining secret to the other houseguests in distributing, sponsoring, and marketing the Program. Accordingly, your proposed action will constitute, among other things, tortious interference with our client's business relationships in connection with the Program and thereby cause our client to suffer immediate and irreparable injury. Your proposed action will also constitute a nuisance as it will create excessive noise pollution and interfere with the production of the Program. In light of the substantial damage your proposed action will cause to our client, and the fact that you have interfered with past productions of the Program by flying other banners over the Big Brother House, we fully intend to enforce our client's rights, including, among other remedies at law and equity, seeking immediate injunctive relief, unless you confirm to me in writing by 1pm today that you will abort your plan of action, and in fact do so. We further reserve all rights with respect to any damage you may have caused our client by your past activities referenced above.

It has also come to our attention that your website (www.airbanners.com) uses our client's trademark, "Big Brother," without our client's authorization or approval. Specifically, the title of the Program appears several times on your website, including, without limitation, the following

450 NORTH ROXBURY DRIVE, 8TH FLOOR, BEVERLY HILLS, CALIFORNIA 90210-4222
DIRECT DIAL (310) 248-3115 DIRECT FAX (310) 550-5216 EMAIL SR@HJTH.COM

329256_1

Jerry Hider
August 2, 2007
Page 2

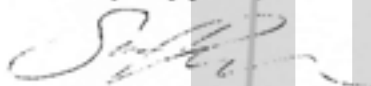
references with respect to your service: "As Seen on Big Brother," and "Airbanners Flies Across YOUR Television in Big Brother." Such references are likely to cause, among other things, confusion for consumers as to a misperceived sponsorship, endorsement, or affiliation between the Program and your service.

Our client vigorously protects its rights in and to the Program. This letter shall, therefore, serve as notice that your use of the "Big Brother" trademark (and any variation thereof), as well as any other elements of the Program, without written authorization from our client, constitutes, among other offenses, trademark infringement, unfair competition, misappropriation and other violations of our client's federal and state statutory and common law rights. Accordingly, demand is hereby made that you immediately cease and desist from any and all unauthorized uses of the title and other elements of the Program.

The foregoing is neither intended as a complete recitation of the facts and circumstances surrounding this matter nor intended as a complete statement of our client's position. None of the foregoing should be construed as a waiver of our client's rights and remedies, all of which are expressly reserved.

We appreciate your cooperation in this matter.

Very truly yours,



Sam E. Rogoway

- cc: David Goldberg
Ira Chertoff
Allison Grodner
Don Wollman
Lura Burton
Andy Wong
Jeanna Newman
John Farrell



Subj: **Re: Big Brother 8**
Date: 8/2/2007 12:51:13 P.M. Pacific Daylight Time
From: MR AIR ADS
To:

Dear Mr. Rogoway,

I am in receipt of your letter dated August 2, 2007. At the present time I have no plans to fly another banner over the big Brother House today.

I understand your two requests that #1 I agree to cease and desist from flying banners over the Big Brother House, today, or in the future and #2 I remove all references from my web site of the Big Brother trademark.

I will agree to both of these requests in exchange for an agreement by Endemol USA Inc. to release me from any and all liability for claims in law or equity, past or present, including, but not limited to tortuous interference with business relationships, nuisance, trademark infringement, unfair competition, misappropriation, or any other claims arising out of my flying of banners, or the web site www.airbanners.com.

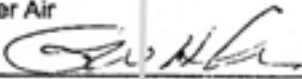
Nothing in this letter should be construed as an admission of liability in law or equity, for a waiver of any of my rights under the law.

It is my sincere intention that we resolve this matter without court action. If your client agrees to the terms set forth above, please indicate by signing the signature block below, and I will do the same.

Sincerely,
Jerry Hider

Agreed this 2nd day August, 2007:
Endemol USA Inc
by its authorized representative.

Gerald W. Hider
Blue Yonder Air



Get a sneak peek of the all-new AOL.com.

Thursday, August 02, 2007 America Online: MR AIR ADS

