

MUSICK, PEELER & GARRETT LLP
ATTORNEYS AT LAW

January 25, 2018

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LOS ANGELES
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WHIT BIVENS
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VIA FACSIMILE, E-MAIL
(AND FEDEX)

Kristen Hard
Cacao Atlanta Chocolate Company
3065 Peachtree Rd NE
Atlanta, GA 30305
cacao@cacaoatlana.com

President, Chief Executive Officer
or Chief Legal Officer
Rizzoli/Universe International Publications
300 Park Avenue South, 4th Floor
New York, NY 10010
Fax: (212) 387-3535

Re: Infringement of Chocolate Alchemy Trademark

Dear Madams or Sirs:

We represent Chocolate Alchemy, LLC, owner of the Chocolate Alchemy trademark. Please direct all future communications concerning this matter to me.

Chocolate Alchemy recently learned that you are promoting and planning to sell a book titled "Chocolate Alchemy" (the "Infringing Mark").

Chocolate Alchemy has used the Chocolate Alchemy mark since at least 2004. Through extensive advertising, continuous use and exceptional service, the Chocolate Alchemy mark has become a valuable asset of Chocolate Alchemy and has become well known in the "bean to bar" chocolate making field. In fact, John Nanci, the owner of Chocolate Alchemy, was awarded a lifetime achievement award by the Fine Chocolate Industry Association in 2017. Chocolate Alchemy is concerned that your use of the Infringing Mark will cause consumers to mistakenly believe that there is some connection between your book and Chocolate Alchemy.

Lanham Act §43(a); 15 U.S.C. § 1125(a) reads in its relevant part:

(1) Any person who, on or in connection with any goods or services . . . uses in commerce any word, term, name, symbol, or device, or any combination thereof, or any false designation of origin . . . which—

(A) is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of such person with

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Kristen Hard
President, Chief Executive Officer or Chief Legal Officer
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another person, or as to the origin, sponsorship, or approval of his
or her goods, services, or commercial activities by another person .

..

* * *

shall be liable in a civil action by any person who believes that he
or she is or is likely to be damaged by such act.

Chocolate Alchemy demands that you immediately cease use of the Infringing
Mark and refrain from using any other mark that is similar to or incorporates the Chocolate
Alchemy mark. Now that you are on notice of Chocolate Alchemy's trademark rights, any
continued infringement by you will constitute willful infringement entitling Chocolate Alchemy
to enhanced damages and its attorney's fees if Chocolate Alchemy is forced to litigate these
issues. 15 U.S.C. § 1117(a).

Although Chocolate Alchemy is prepared to do whatever is necessary to protect
its rights, it would prefer to resolve this matter without resorting to litigation. Accordingly,
Chocolate Alchemy requests that you confirm in writing on or before February 7, 2018 that you
have ceased all use of the Infringing Mark and that you will refrain from using the Infringing
Mark as the book title or in any other manner related to Chocolate Alchemy's business.

We look forward to receiving the confirmation requested above. This letter is sent
without prejudice to and with the express reservation of all of Chocolate Alchemy's rights.

Sincerely,

Whit Bivens
for MUSICK, PEELER & GARRETT LLP

WB:dwb

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