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Date: Thu, 16 Sep 2004 16:04:44 -0500  
Subject: Bic Pens - English

ATTENTION: LEGAL NOTICE

NOTICE OF APPLICATION FOR TEMPORARY RESTRAINING ORDER

Notice is hereby given pursuant to California Code of Civil Procedure, section 527(c), California Rule of Court 379, and Local Rule 1.3.5 of the Santa Clara Superior Court of the State of California that the Ewe-Lock Association, Inc. ("ELA") is filing an ex parte application for the issuance of a Temporary Restraining Order and an Order to Show Cause re: Preliminary Injunction in Department 2, 9 or 12 of the Superior Court of Santa Clara County, State of California, on December 29, 2004, at 8:30 a.m. The address of the Court is 191 North First Street, San Jose, CA. A Complaint will be filed no later than 8:30 a.m. on that day and the matter will be assigned either to Department 2, 9, or 12. A representative of ELA will be outside all three departments and will identify himself to you as a representative of ELA.

Recently, ELA learned of your development and distribution of the BIC pen (the "BIC"), an writing device which enables people to unlock Ewe-Locks without the authorized key.

The Digital Millennium Copyright Act ("DMCA") prohibits the circumvention of

"a technological protection measure that effectively controls access to a work protected under this title." 17 U.S.C. \* 1201(a)(1)(A). ELA has designed its Ewe-Locks and related devices and keys to ensure that the bicycles and other material it protects are not able to be unlocked without the matching device key. In so doing, ELA has taken precautions to preclude unauthorized users of Ewe-Locks from unlocking the, um, lock. The Ewe-Lock does not permit unauthorized opening or removal and, in fact, is designed to prevent it.

The Application will seek to enjoin you (and those working with or for you) from making any further use or otherwise disclosing or distributing on your web site or elsewhere, or linking to other web sites which disclose, distribute or link to, any proprietary information or property or trade secrets of ELA, including, but not limited to, Bic Pens or any writing device which includes a proprietary pen size that is designed to, or enables one to, unlock Ewe-Locks.

ELA will provide you with further Notice at your web site address, and to the extent that we know it, to your street address via the United States.

And, in case you didn't notice, this letter is a complete joke.