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October 12, 2011

***Via Email ([info@photocrazy.com](mailto:info@photocrazy.com)) and US Mail***

Peter Wolf  
Photocrazy, Inc.  
PO Box 6711  
Thousand Oaks, CA 91359

Re: VeloStreet, Inc.  
Our File No. 8098

Mr. Wolf:

This firm represents VeloStreet, Inc., a California nonprofit public benefit corporation ("VeloStreet") concerning its business and intellectual property matters. We are contacting you regarding your activities at Levi Leipheimer's King Ridge GranFondo (the "GranFondo").

The GranFondo was held on October 1, 2011 and attracted over 7,500 bicycle riders from around the world. The GranFondo is the vision of Levi Leipheimer, one of the top bicycle riders in the world, and is organized and promoted by VeloStreet and Bike Monkey LLC. It is a charity event that raises a significant amount of money for many local causes.

Each year, VeloStreet, Bike Monkey LLC, Levi Leipheimer and others go to great lengths to make certain every aspect of the event is accounted for, and meets certain standards to (i) ensure the event is well received by the public; (ii) ensure a quality delivery of experience to the event's participants; (iii) comply with all applicable city, county and state laws regarding the production of such events; and (iv) maximize the benefits to the VeloStreet's beneficiaries. With these goals in mind, VeloStreet hired several photographers for the GranFondo and each photographer was given specific instructions concerning locations, subject, composition, and style.

VeloStreet has learned that you, without VeloStreet's permission, set up one or more cameras, lights, and triggering mechanisms to photograph all of the riders who participated in the GranFondo. It is our understanding that you plan to offer them for sale to the participants of the GranFondo and to the public in general.

Given the great effort VeloStreet has taken to ensure that the photographs associated with the event are quality compositions, this approach is not anywhere near the standard that the



Peter Wolf  
Photocrazy, Inc.  
October 12, 2011  
Page 2

GranFondo demands. Such automatic photography diminishes the goodwill associated with the GranFondo and diminishes each participant's experience. When you sell these photographs, you ultimately deprive the charities which are the beneficiaries of funds which they otherwise would have received from the event. The taking and sale of the photographs is also a violation of California law.

To begin, your equipment was set up on private property. VeloStreet has already received a complaint from the owner of such property. Additionally, the owner of such property has complained to the County of Sonoma. Accordingly, your taking of these photographs was an unlawful trespass. In addition, such unlawful trespass hampers VeloStreet's ability to acquire the necessary permits in order to conduct the GranFondo in the future.

The sale of the photographs is a violation of each participant's right of publicity. The California Civil Code provides that any person who knowingly uses another's photograph, in any manner, for purposes of advertising or selling, or soliciting the purchases of merchandise or services, without prior consent, shall be liable for damages in an amount equal to the greater of seven hundred fifty dollars (\$750) or the actual damages suffered by the subject of the photograph. Additionally, the Civil Code provides for an award of attorney fees in such cases. As such, each of the 7,500 participants has a claim against you under this Civil Code provision. Many participants are closely related to VeloStreet and its beneficiaries and would take exception to their images being used by you for profit without their permission.

VeloStreet has not given you permission to use any of its intellectual property. The Civil Code and the California Business and Professions Code provide remedies for the unauthorized use of another's intellectual property and in some cases treble damages and punitive damages are awarded. The photos taken by you at the GranFondo include VeloStreet trademarks and your website uses the phrase "Levi's King Ridge Gran Fondo;" these unauthorized uses of VeloStreet's intellectual property are made in connection with the sale and distribution of your goods and services. Further, as evidenced by your sign placement during the GranFondo, we believe such usage is a deliberate attempt to cause confusion in the marketplace and to deceive GranFondo participants as to the source and origin of your photographs. It is VeloStreet's policy to vigorously enforce its intellectual property rights including seeking injunctive relief and recovery of monetary damages.

The Business and Professions Code also provides remedies for unfair business practices. Generally, wrongful conduct in commercial enterprises that results in business loss to another by the use of unfair means gives rise to an action under the Business and Professions Code. You have trespassed, placed VeloStreet's goodwill and relationship with the County of Sonoma at risk, intentionally violated many individuals' rights to their images, and used deceptive language

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Peter Wolf  
Photocrazy, Inc.  
October 12, 2011  
Page 3

on your website and on signs placed on the roadway during the GranFondo, all in an attempt to draw GranFondo participants away from VeloStreet's photographs and to yours. Your behavior clearly fits within the scope of unfair business practices as codified in the Business and Professions Code.

Demand is hereby made that (i) you immediately remove from any and all websites operated or controlled by Photocrazy, Inc. and/or Peter Wolf, including, without limitation, [www.photocrazy.com](http://www.photocrazy.com), any and all references to Levi Leipheimer's King Ridge GranFondo; (ii) you immediately remove from any and all websites operated or controlled by Photocrazy, Inc. and/or Peter Wolf, including, without limitation, [www.photocrazy.com](http://www.photocrazy.com), any and all photographs taken at the GranFondo; (iii) you immediately cease and desist the use of any and all marks and/or logos associated with the GranFondo; and (iv) you immediately cease and desist the marketing, sale and distribution of any and all photographs taken at the GranFondo.

Please confirm in writing on or before October 21, 2011 that you will comply with these demands.

Finally, we are aware of your patents 6,985,875 and 7,047,214 and your thinly veiled threat to enforce these patents if VeloStreet interferes with your distribution and sale of your GranFondo photographs. Having reviewed these patents, we are confident that the posting of the authorized GranFondo photographs, including photographs of participants, on the VeloStreet website is outside the scope of these patents. Moreover, VeloStreet feels that a broad interpretation of such patents improperly creates and perpetuates an unfair monopoly and discourages competition. Under recent U.S. Supreme Court jurisprudence, the claims in your patents are subject to cancellation because they are neither novel nor non-obvious. These patents will not survive a reexamination proceeding at the United States Patent and Trademark Office.

This is not one in a series of letters; you will not receive further communication prior to commencement of legal action. This letter is without prejudice. VeloStreet reserves all rights and remedies at both equity and law. Please contact me if you wish to discuss this matter further.

Regards



Donald L. Winkle

DLW:vai  
cc: Carlos Perez  
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