SET
ENTERPRISES INC.
Games of Fun, Perception and Challenge

September 17, 2012

VIA EMAIL

Adrien Treuille
Carnegie Mellon University
School of Computer Science
5000 Forbes Ave.
Pittsburgh, PA 15213-3891

Email: treuille@cs.cmu.edu

Re: <u>Infringement of SET® Game Copyright and Trademarks</u>

Dear Mr. Treuille:

I am counsel for Set Enterprises, Inc. ("Set Enterprises") and I am writing to request your assistance in addressing a matter related to your use of trademarks for which Set Enterprises is the exclusive license holder. As you know, Marsha Falco is the creator of the award winning SET® game. Cannei, LLC ("Cannei") is the owner of all intellectual property related to the game and Set Enterprises has exclusive rights to use and license out said intellectual property.

First, I would like to thank you for your interest in the SET® game and your efforts to make it available to online users. However, as I discuss in more detail below, your use of the SET® trademarks and copyrighted material constitutes trademark and copyright infringement.

Cannei owns the copyright rights in the SET® game and has registered the game and game instructions with the United States Copyright Office, Reg. No. TX 2,473,817. In addition, the SET® trademark is registered for "card games for amusement and education" and for "providing information in the field of games via global information networks and providing entertainment services, namely, on-line computer games," U.S. Reg. No. 2,203,529. Set Enterprises holds an exclusive license to use and reproduce the copyrighted material and trademarks. Set Enterprises has licensed and sold the SET® game in the United States and internationally since 1990. The SET® game is available both as a traditional card game and as an electronic game.

Through its extensive use and promotion of its SET® goods and services, Set Enterprises has developed extremely valuable goodwill and an outstanding reputation in its game, design, name and mark and the public has come to recognize and associate the SET® game design and mark exclusively with Set Enterprises.

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setgame@setgame.com   www.setgame.com

I hope you understand that in order for Set Enterprises to preserve the strength of the family of SET® marks, trademark law requires that Set Enterprises monitor use of the SET® marks by others and take steps to ensure that unauthorized or improper uses of the marks are discontinued or corrected.
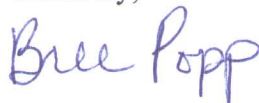
It has recently come to my attention that you are currently offering unauthorized version of the SET® game entitled SET Applet! at www.cs.cmu.edu/~treuille//resc/set/.

Screen shots of the website are attached for your reference. Your display and distribution of the game on this website violates the SET® copyright and trademark rights. Although Set Enterprises does not wish to engage in a formal legal dispute with you, it will take all necessary steps in protecting its trademark and copyright rights.

Accordingly, I must demand that you immediately cease the display and distribution of the infringing game and all related materials on the website. I hope this matter can be resolved amicably, without resorting to legal proceedings. However, in light of the irreparable injury caused by your infringement, I must ask for your response to the foregoing no later than **five (5) days** from your receipt of this email/letter.
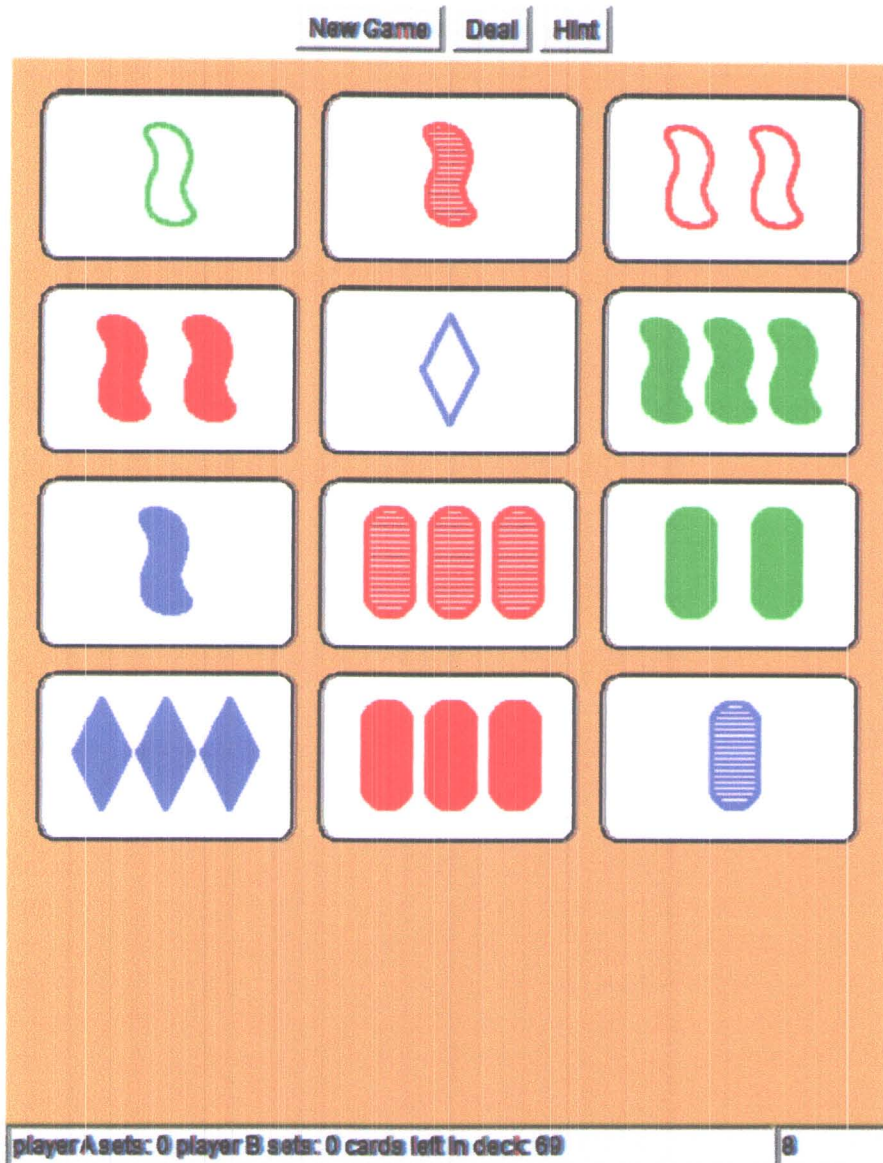
I appreciate your cooperation in this matter and look forward to hearing from you.

Sincerely,

Bree Popp

Bree Popp
Vice President & Counsel

Set Applet!

player A sets: 0 player B sets: 0 cards left in deck: 69   8

Basic Instructions:

This applet allows you to play the card game set. If you do not know how to play the card game itself, please view these instructions . Click the "New Game" button to start.To highlight a card, click on it. Click on highlighted cards to dehighlight them. Highlight three cards to select a set. If the set is valid then it will be added to your sets. If it was not valid, then the last set you found will be reshuffled back into the deck. If you can't find any cards, then click on "Deal" and three more cards will be delt out. Clicking on "Deal" again shuffles all fifteen visible cards back into the deck and redeals out another twelve cards.

With 2 Players:

Playing with two players is exactly the same as playing with one player, except that player 2 selects cards by *right* clicking on them, instead of left clicking. The applet keeps track of player 2's sets just like player 1.

The "Hint" Button:

You can click the hint button if you can't find any sets. If no cards are highlighted, then clicking the hint button will cause the applet to search the visible cards for sets. If the applet finds a set, it will highlight *one* card in the set it found. If one card is already highlighted then clicking the hint button causes the applet to search for a set *involving the highlighted card*. If it finds a set, the applet will highlight another card in the set. If no sets are found, the applet will signal this on the status bar. Finally, if two cards are selectd, the applet will search the visible cards for the third card. The applet will indicate whether or not the search was successful on the status bar, but will not highlight the third card!

Author:

This applet was completely written and is copyrighted 2001 by:

Adrien Treuille
Computer Science and Engineering
University of Washington