

*EXHIBIT A*  
*TO COMPLAINT*

**Sonnenschein**  
SONNENSCHN NATH & ROSENTHAL LLP

Kenneth G. Kolmin  
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March 19, 2009

VIA FEDERAL EXPRESS/FACSIMILE/E-MAIL

Mr. Randy Johnson  
Barrel O'Fun Snack Foods  
P.O. Box 230  
800 4<sup>th</sup> St. NW  
Perham, Minneapolis 56573

WITHOUT PREJUDICE

Re: Infringement of Old Vienna's Intellectual Property Rights

Dear Mr. Johnson:

This firm represents Old Vienna, LLC ("Old Vienna"). Old Vienna is the owner of a federally registered and incontestable trademark *Red Hot Riplets*®, Reg. No. 2,423,085 for potato chips (the "Old Vienna Mark"). The Old Vienna Mark is distinctive and well-known in connection with potato chips in light of continuous, widespread use and extensive advertising and promotion. Additionally, Old Vienna owns significant trade dress rights in its packaging of potato chips through its unique design and color scheme and its long-standing success in the market place.

Our client has informed us that Barrel O'Fun Snack Foods ("Barrel") is manufacturing and selling potato chips under the name "Red Hot Ripple" and is using packaging deceptively similar to packaging used by Old Vienna. We have investigated the matter and have examined your packaging. Your sales activities raise serious concerns that Barrel is infringing the intellectual property rights of Old Vienna.

We hereby demand that Barrel immediately cease and desist using the name "Red Hot Ripple" and cease and desist from all marketing and sales of its product using the packaging design that mimics that of Old Vienna. We further demand that you provide to us by **March 20, 2009** Barrel's written assurance that it has ceased and will cease all infringing activities, including the assurance that the offending packaging will be removed from stores.



Brussels    Charlotte    Chicago    Dallas    Kansas City    Los Angeles    New York    Phoenix    St. Louis  
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Mr. Randy Johnson  
March 19, 2009  
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This letter shall not constitute a waiver of, or otherwise prejudice, any of Old Vienna's legal rights, whether or not herein raised, all of which are specifically reserved.

Sincerely,

SONNENSCHN NATH & ROSENTHAL LLP

By:

  
Kenneth G. Kolmin

KGK/12564072v1  
cc: Steven Hoffman

*EXHIBIT B*  
*TO COMPLAINT*



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March 23, 2009

VIA FEDERAL EXPRESS/FACSIMILE/E-MAIL

Lori L. Wiese-Parks, Esq.  
500 IDS Center  
80 South Eighth Street  
Minneapolis, MN 55402-3796

WITHOUT PREJUDICE

Re: Infringement of Old Vienna's Intellectual Property Rights

Dear Ms. Wiese-Parks:

We acknowledge receipt of your March 20, 2009 response to our March 19, 2009 letter to your client, Barrel O'Fun Snack Foods Company ("Barrel"). We completely reject your analysis of the strength of Old Vienna's federally registered and incontestable trademark, *Red Hot Riplets*®. Furthermore, while we do acknowledge your client's undertaking to redesign the packaging for its own potato chips, the 6-8 week timeframe for a phase out and changeover to the new packaging is unacceptable; instead, our client repeats its demand that your client immediately cease use of the current packaging and further requests that your client's product be pulled from retailer's shelves and cease shipping as soon as possible.

We are aware that your client has in the past manufactured our client's *Red Hot Riplets*® brand potato chips for Old Vienna. We are aware that your client has reversed-engineered the seasoning and spices contained in our client's brand of chips and is now using these seasoning and spices for its own brand, potentially further causing confusion in the marketplace. The combination of use of Old Vienna's seasonings and spices along with the similar packaging and design of Barrel's potato chips is evidently intended to create actual confusion in the marketplace as a way of establishing a marketing base for your client's product at the expense of our client.

As previously stated, we hereby demand that your client *immediately* cease using its current packaging which infringes upon Old Vienna's federally registered and incontestable trademark *Red Hot Riplets*® and cease using Old Vienna's seasoning and spices for Barrel's potato chips. Furthermore, we demand that you provide to us by **March 24, 2009** with: (1) Barrel's written assurance that it has ceased and will cease all infringing activities, including the assurance that the offending packaging will be withdrawn and that it will not use Old Vienna's spices or seasoning except to manufacture the *Red Hot Riplets*® brand chips for Old Vienna, (2) a list of each wholesaler or retailer to whom you client has sold or consigned product since adoption of the confusing packaging and (3) an accounting of all of Barrel's sales of its products using the packaging in question, which details each customer's name and address to whom product was sold, and the purchase price for each such sale so that we may compute Old Vienna's damages.

Brussels Charlotte Chicago Dallas Kansas City Los Angeles New York Phoenix  
San Francisco Short Hills, N.J. Silicon Valley Washington, D.C. West Palm Beach





Lori L. Wiese-Parks, Esq.  
March 23, 2009  
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Sincerely,

SONNENSCHN NATH & ROSENTHAL LLP

*Kenneth G. Kolmin/aa*  
By: Kenneth G. Kolmin

KGK/12565385v1

cc: Mr. Steven Hoffman

*EXHIBIT C*  
*TO COMPLAINT*