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# Herro & Lamont, LLC

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September 16, 2003

Mr. Max Goldberg  
XXX XXX Avenue XXX  
New York, New York 10017

SENT BY CERTIFIED MAIL

Re: dustindiamond.com domain name

Dear Mr. Goldberg:

Please be advised that we represent Dustin Diamond and this letter is sent demanding that you cease and desist your use of the domain name dustindiamond.com.

It has come to our attention that, without the knowledge or consent of Mr. Diamond, that you have obtained the domain name dustindiamond.com and are using it to operate a website. (Please See Attachment A). Your website has a picture of Mr. Diamond and purports to be that of Mr. Diamond by stating "I'M FAMOUS ACTOR DUSTIN DIMAOND..." (Please see Attachment B). Although you have misspelled Mr. Diamond's last name, your website undoubtedly gives the mistaken impression that the website was operated by our client and/or is confusing and misleading in that some persons would believe that your website is somehow associated with our client.

Your conduct infringes our client's rights in numerous ways, including but not limited to the following:

1. It constitutes false association and false designation of origin in violation of 15 U.S.C. 1125(a);
2. The use of Mr. Diamond's name and likeness as contained in your website also violates Mr. Diamond's common law and statutory rights of privacy and publicity and;

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3. It violates the Anti Cyber Computer Act under 15 U.S.C. 1129.

The above is not intended to be a complete recitation of our client's rights, and we reserve the right to assert other or further claims in connection with your actions.

We demand that you do each of the following in these circumstances:

- a. Immediately cease and desist your use of the "dustindiamond.com" domain name in connection with your website;
- b. Agree, in writing, that you will not engage in no further commercial use of the name "Dustin Diamond"; and
- c. Agree to assign to our client the "dustindiamond.com" domain name.

Please be advised that if you do not agree and actually do all of the above described matters within no later than 14 days of the date of this letter, we will pursue all remedies available. Nothing herein should be deemed a waiver of any of our client's rights or remedies. Please contact our office as we await your immediate cooperation.

Very truly yours,  
Herro & Lamont, LLC

Brian A. Herro

Enclosures  
Cc: Dustin Diamond