

Peter Wilcock

Simmons & Simmons
CityPoint
One Ropemaker Street
London
EC2Y 9SS

23rd May 2006

Dear Sirs,

Re: Viacom International Inc. – PIMP MY RIDE
Your ref: IP/17556-125/AHS/AYDD

I am in receipt of your letter dated 17th May 2006. I have now taken legal advice on this matter and can respond as follows:

The word 'pimp' is an example of natural language where the definition has changed and expanded in contemporary popular culture to mean both 'enlarge' and/or 'improve' and can be used with any number of adjectives, such as 'that', 'his', 'her' and 'my' to create phrases such as 'Pimp that', 'Pimp his', 'Pimp her' and 'Pimp my' respectively.

Similarly one can also use 'Pimp' in a variety of contexts, such as 'pimped up', 'pimping', and 'pimps'. We note the existence of many other individuals using the word 'pimp' and a relevant adjective on the following, non-exhaustive list of websites:

www.pimpthatphone.com
www.pimpmysafari.com
www.pimpmysnowman.com
www.pimpmyspace.com
www.pimpmycamino.com
www.pimpmypoker.com

and so on.

'Pimp My Snack' makes use of this common parlance to create the name of a website that deals with the enlargement and improvement of common snack foods, consistent with the modern definition of 'pimp'. The website does not create any association with your client's TV show of 'Pimp My Ride'. We make no reference to 'MTV' or 'Pimp My Ride', and the style, font, and colour scheme of our website bears no resemblance to the website of MTV's 'Pimp My Ride'.

The primary focus of our website is on snack foods and has no connection with motor vehicles or even music television. I do not have access to satellite television and can honestly admit that I have never seen the TV show 'Pimp My Ride'. As such, at no point has 'Pimp My Snack' had any influence whatsoever from 'Pimp My Ride'. My use of the term is born from my awareness of 'pimp' as a generic term meaning 'enlargement' and/or 'improvement'.

I am greatly surprised therefore that you consider the phrase 'Pimp My Snack' to be a deliberate attempt to 'call the mark PIMP MY RIDE to the mind of the reader'. This is certainly not the case. To do so would serve no useful purpose and gain no advantage to the visitors of the Pimp My Snack website.

While I recognise the existence of your incomplete trademark application, number 4279493 for the 'PIMP MY' mark, I do not consider this to be a valid application as it makes use of two very common words that are already used in a variety of contexts not exclusive to Viacom International Inc. I also note that the time allocated during the trademark application process for objection has expired, however I will nonetheless petition to the Patent Office and file my objection against the registration of these wholly generic terms.

I am advised that no infringement has occurred against Viacom International Inc, nor do I see in what way there may be a claim for damages against an incomplete trademark that seeks to gain monopoly of the use of simple and common language.

However, to assuage your concern, I am willing to add a notice to www.pimpmysnack.com which explicitly clarifies that 'Pimp My Snack' has no association with Viacom International Inc., MTV, 'Pimp My Ride', or any of the many individuals that make use of the word 'Pimp' in the context of their website title.

Yours Sincerely,

Peter Wilcock