

Merit

cc/Suzanne Lottan
MLB
Jm



PHILIP MORRIS

MANAGEMENT CORP.

800 WESTCHESTER AVENUE, RYE BROOK, NEW YORK 10573-1301 TELEPHONE (914) 335-5000 CABLE ADDRESS: POLD NEW YORK TELEX: 422609 FAX NO. (914) 335-1798
335-1799

TRADEMARK
DEPARTMENT

VIA FACSIMILE
(202) 408-4400

OUR Ref. _____

YOUR Ref. _____

April 22, 1998

Finnegan, Henderson, Farabow,
Garrett & Dunner L.L.P.
1300 I Street, N.W.
Washington, DC 20005-3315

Attn: Mr. Laurence R. Hefler

RE: Trademark - YOU CAN DO IT

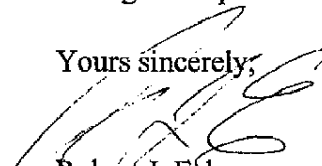
Dear Larry:

Your letter of 16 APR 98 to Mr. Webb has been forwarded to me for review and reply.

I confirm that Philip Morris has been using the slogan: YOU CAN DO IT, at least as early as 1993 -- long prior to your clients claimed use. I attach photocopies of representative MERIT ads for the years 1993, 1994, and 1995. We have used the slogan YOU CAN DO IT nationwide with considerable marketing support, thereby achieving substantial recognition and good will in the slogan. As your clients' rights are inferior to ours, we can not accede to your demand.

In view of your insistence that the contemporaneous use of the identical slogans "can not be tolerated", I suggest that your client consider discontinuing the expression "YOU CAN DO IT".

Yours sincerely,



Robert J. Eck

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RJE/ji

cc: Christopher Sidoti, Esq. (610) 270-4440
bcc: W. Webb
M. Bring
J. Murillo

