

COPY

JONATHAN LINN

Chartered Patent Attorney European Patent Attorney
Registered Trade Mark Agent

23 Bings Road Whaley Bridge Derbyshire SK23 7ND
United Kingdom

Tel: (+44) (0)771 318 3621 / (+44) (0)1863 718949
Fax: (+44) (0)1863 719949
Email: jonathanlinn@btinternet.com

12th February 2007

Elzas Noordzj B.V.
Lalressestraat 159
1075 HK
Amsterdam
Netherlands

Please note my new
address and other
contact details - as
above

Attention: Joop J Elzas

BY FAX
Confirmation by airmail

WITHOUT PREJUDICE

Dear Mr Elzas

CTM Application No: 003886983

Mark: "FUTURE" (stylised)

Applicant: Kent G Anderson

-and-

Opposition No: B 866022 thereto by your client Fokker Services B.V.

My ref: JL/10124

Further to my brief letter of 9th January 2007, I apologise for the delay in getting back to you. However, I have been discussing this case further with my client, who has been considering your client's proposal for a settlement of this case, along the lines as suggested in your letter of 16th August 2006. I am instructed to respond to you on my client's behalf as follows.

The extent to which your client's settlement proposal requires my client not only to exclude aircraft and aircraft-related goods and services from his CTM application, but also to agree not to use (with no further qualification as to where), and to consent to your client's use in the USA of, the mark "FUTURE" appears to go way beyond what is reasonable, both as regards geographical scope and so far shown by your client to be justified in terms of the respective parties' prior rights, whether in terms of trade mark filing date or date of first use. To put my client's view more succinctly, he believes your client is trying to "bite off too much" and feels he would be losing out too much in acceding to the suggested terms as set out in your letter.

The above is consistent with my client's general principle that he is unwilling to enter into any agreement which entails him giving up rights, or granting rights to others, that goes beyond what is proper and fair. More specifically, my client is anxious that his own rights in any registrations and freedom of use of or based on the "FUTURE" name, both in the EU and the USA (and also elsewhere), should not be compromised beyond that which he can see to be appropriate (in legal trade mark terms) and commercially reasonable, especially as regards who has the relevant senior rights in the relevant territories and in respect of the relevant goods/services of interest to each side. With this in mind, it is my client's belief that your client's existing proposal is too general and far-reaching in your client's own favour to form the basis of a reasonable and fair settlement.

Nevertheless, my client would still prefer to try and settle this CTM opposition amicably without the need to go as far as the adversarial stages of the opposition procedure beyond 21st July 2007, since he still believes that a mutually beneficial co-existence arrangement should be possible and could still be sorted out with your client taking adequately into account both the UK, EU and USA (at least) and the more precisely defined respective senior rights positions of each party in each territory. Not only mutual co-existence, but possibly also working together may be an opportunity of interest to your client - you can see my client's business activities and interests from his website, www.futurevisionsartef.com. However, it does appear that more detailed factual disclosures and discussions would be needed. If your client is amenable to such further negotiations, therefore, my client would welcome further talks, and to that end would welcome the chance to discuss more detailed proposals and possible terms with your client direct.

Please would you put the above to your client and let us know if and how they would be prepared to take all this further?

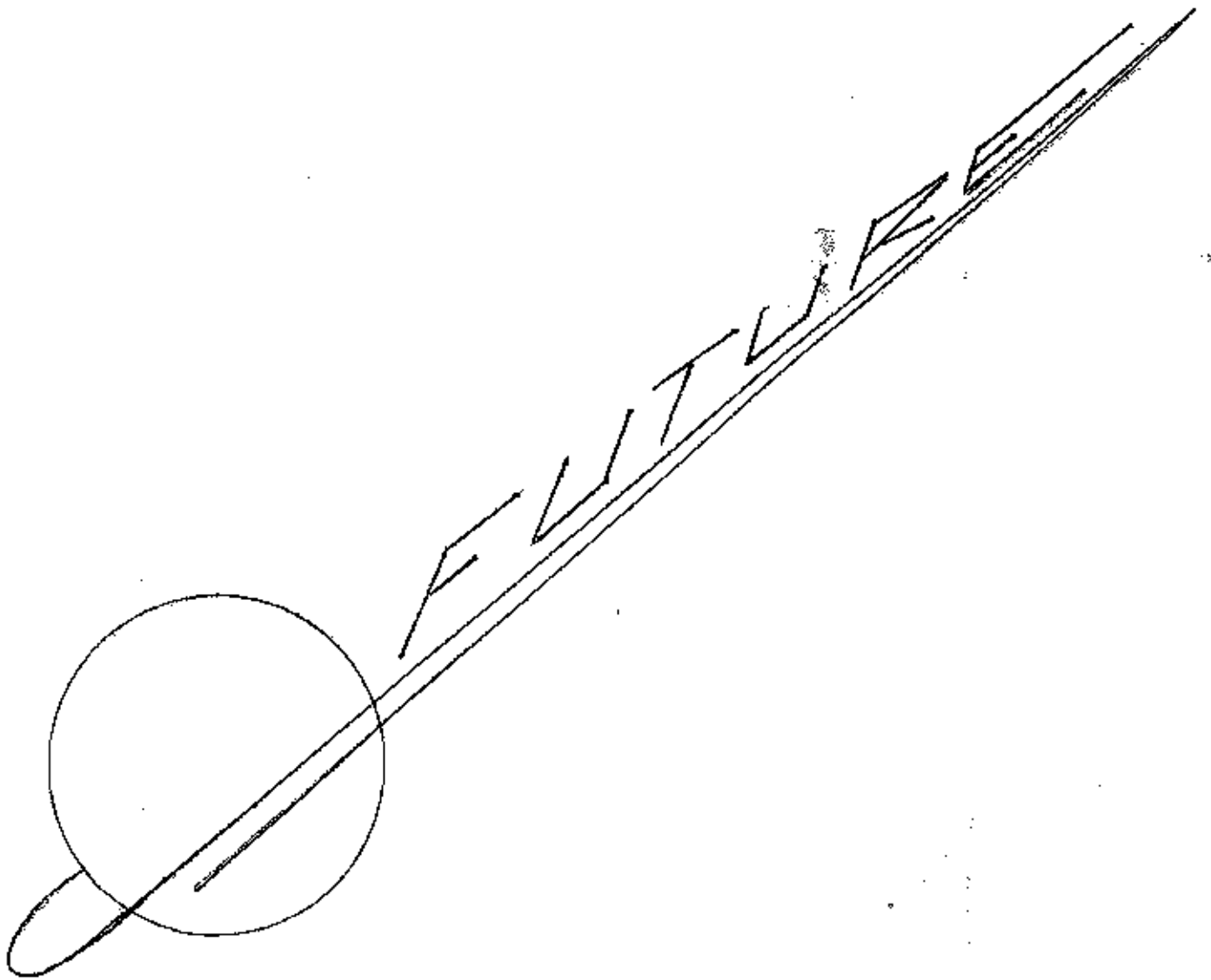
I look forward to hearing from you.

Yours sincerely



S. Jonathan Linn

Representation of the mark



Continuation sheet (3 pages)

List of goods and services

<u>Class No</u>	<u>Goods/services</u>
3	Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps, perfumery, essential oils, cosmetics, deodorants for personal use; hair lotions; dentifrices.
9	Scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers; recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers; calculating machines; data processing equipment and computers; computer hardware; computer software (including software downloadable from the Internet); compact discs; digital music (downloadable from the Internet); provision of downloadable on-line electronic publications and digital music telecommunications apparatus; computer games equipment adapted for use with TV receivers; mouse mats; mobile phone accessories; contact lenses, spectacles and sunglasses; clothing for protection against accident, irradiation or fire; fire-extinguishing apparatus.
12	Vehicles; apparatus for locomotion by land, air or water; spacecraft; parts and accessories for all the aforesaid goods in this class.
35	Advertising, business management; business administration; accountancy services; provision of office functions; retail services; shopping malls; shopping centres; dealerships; wholesale services; supply services; rental services; talent agencies; management, advertising and marketing of musicians, actors, entertainers, artists, sports stars and celebrities; trading services; organisation, operation

and supervision of loyalty and incentive schemes; advertising services provided via the Internet; production of television and radio advertisements; accountancy; auctioneering; trade fairs; opinion polling; data processing; provision of business information.

- 36 Insurance services; financial services; credit services; investment services; real estate services; building society services; banking (including home banking); stockbroking; financial services provided via the Internet; issuing of tokens of value in relation to bonus and loyalty schemes; provision of financial information; raising finance for business.
- 37 Building services; construction services; repair services; installation services; installation, maintenance and repair of computer hardware; painting and decorating services.
- 38 Telecommunications services; e-mail services; providing user access to the Internet (service providers); operation of search engines.
- 41 Education services; provision of training; entertainment services; provision of sporting and cultural activities; lottery services; electronic games services provided by means of the Internet; provision of on-line electronic publications and digital music.
- 42 Scientific, technological research and industrial design services; industrial analysis and research services; design and development of computer hardware and software; computer programming and consultancy services; installation, maintenance and repair of computer software; design, drawing and commissioned writing for the compilation of web sites; creating, maintaining and hosting web sites of others; compilation, creation and maintenance of databases and registers of domain names; leasing of access time to computer databases; real estate services; product design and development services; consultancy services; legal services; licensing of intellectual property; surveying and conveyancing services.
- 43 Provision of food and drink; restaurant, café and bar services; catering services; contract services relating to provision of food and drink; home delivery services; provision of temporary and holiday accommodation; booking/reservation services for

restaurants and holiday accommodation; rental services, including rental of food service equipment, furniture, portable buildings, rooms, arenas, sports facilities, concert facilities, convention and exhibition facilities; health clubs and resorts; retirement homes; consultancy services relating to hospitality, culinary arts; public housing services; child care services; day care centres; charity services; travel agency services.

- 44 Medical services; healthcare services; hygiene, massage, beauty, skincare and alternative health care services for human beings or animals; sperm banks; optical and dental care services; cosmetic and plastic surgery services; chiropractic, osteopathy and physiotherapy services; mental health services; veterinary services; agricultural services; rental of agricultural, medical and healthcare equipment; animal breeding services; medical analysis services for the diagnosis and treatment of people; pharmacy advice services; garden design services.