



Freetail Brewing Co. 210.395.4974 fax 210.395.4978
4035 N Loop 1604 W Suite 105, San Antonio, TX 78257
www.freetailbrewing.com

January 10, 2012

[REDACTED]

RE: Hopasaurus Rex mark

Dear Mr. [REDACTED]

Thanks for your letter! I love hearing from and meeting people from all around the country. Since you are from [REDACTED], under normal circumstances I would assume you have a beard... I do too! But, since you are a lawyer, you probably just have some expensive suits instead. Way less cool, but whatever works for you man.

Anyway, about the issue of the HOPASAURUS REX name (the Mark). We indeed have made a beer under that name in the past. Actually, we haven't... HOPASAURUS REX is a name we give to a process upon which we apply to a beer and not the beer itself. Normally I would tell you what this process is, but I really don't feel like it anymore since your first introduction to me wasn't very nice. Furthermore, I don't want you to try to trademark it and sue me later.

In your Cease and Desist letter (C&D) you reference the Lanham Act as the basis for your client, [REDACTED] having exclusive right to use the Mark nationwide in connection with the sale of beer. However, the Lanham Act *requires* a "likelihood of confusion" for infringement to exist. Therefore, to the extent that Freetail Brewing Co. (Freetail) uses the Mark, it would only represent an infringement if someone had a hazy enough of a recollection to confuse drinking beer from a brewpub or bar in [REDACTED] or [REDACTED] with drinking beer from a brewpub in San Antonio, Texas. I admit to having consumed too many beers on a few occasions in the past, but never have I been drunk enough to make that confusion!

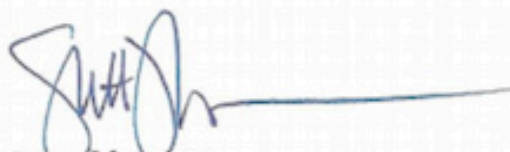
In any event, we don't use HOPASAURUS REX enough to care about what we call it, so you may consider this letter to be our complete and total acquiescence to your demand that we cease and desist the use of the mark immediately. When you



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are informing your client of such, I request (but not demand) that you please tell them they could have just asked us nicely and saved the legal fee. I also request (but not demand) you please tell them that I *will not* be giving them a hug if I ever meet them, but I'd love to try their beer at the next Great American Beer Festival and I would still give them a high five.

Word to Yo' Mamma,



Scott Metzger

PS: Please enjoy this drawing of a T-Rex waving white flags, which was suggested for inclusion by my attorney. Actually, he's just my friend, I can't afford his legal fees.

SRM/nerd

Cc: Flying Spaghetti Monster

