

**BOSE
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June 5, 2003

Douglas Ritter
2211 West Rockrose Place
Chandler, Arizona 85248

*Via Certified Mail, Return Receipt Requested
Copy via regular mail and via e-mail
dritter@equipped.org*

Re: Use of Aron Ralston's Name in Promotional Materials
Our Matter: 14854/1

Dear Mr. Ritter:

We are intellectual property counsel for Mr. Aron Ralston. Aron recently brought to our attention the fact that you are using his name without permission in connection with your promotional materials relating to PLB and your lectures about PLB. Specifically, Aron directed us to the promotional use of his name on your web site, www.equipped.com, as follows:

No Need To Amputate

Your survival should not require you to amputate your own arm, as Aron Ralston was recently forced to do in order to escape being trapped by an 800-pound boulder. Nor should you have to make any other extraordinary sacrifice. While too late for Aron, come July 1, 2003, you will be able to purchase a pocket-sized emergency beacon that will alert authorities that you need to be rescued and also give them your location.

It is not only distasteful for you to attempt to capitalize on Aron's situation to promote a product and to promote yourself as a speaker on survival equipment, it is illegal for you to use his name in this manner without his permission.

The Indiana Rights of Publicity Act, Indiana Code Sections 32-36-1-1 to 32-36-1-20, and similar statutes in California, New York and in other jurisdictions, prohibits the use of a personality's name, voice, signature, photograph, image, likeness, distinctive appearance, gestures or mannerisms for a commercial purpose without his express permission. I.C. 32-36-1-8. A "personality" under the statute is defined as a living or deceased natural person whose name, voice, signature, photograph, image, likeness, distinctive appearance, gestures or

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mannerisms has commercial value. I.C. 32-36-1-6. A "commercial purpose" is defined under the statute to mean the use of an aspect of a personality's right of publicity:

- (1) On or in connection with a product, merchandise, goods, services, or commercial activities.
- (2) For advertising or soliciting purchases of products, merchandise, goods, services, or for promoting commercial activities.
- (3) For the purpose of fundraising. I.C. 32-36-1-2.

The Indiana Rights of Publicity statute applies to acts or events that occur within Indiana (I.C. 32-36-1-1) and one who engages in conduct within Indiana that is prohibited by the statute submits to the jurisdiction of the Indiana courts (I.C. 32-36-1-9), is liable for damages calculated by determining the greater of \$1000 or actual damages, which may include profits derived from the unauthorized use (I.C. 32-36-1-10). In addition, persons found liable for violations of the statute are also liable for the attorney's fees, costs and expenses incurred by the prevailing party (I.C. 32-36-1-12).

In reviewing your web site, which clearly reaches viewers in Indiana, we see from the "Copyright and Trademark Information" section that you understand the value of and are willing to defend your trademark and copyright rights. Aron's right to control the commercial use of his name is a similar intellectual property right.

At this point Aron is not interested in allowing his name to be used to promote the PLB technology, your lectures, or any other products or services showcased on the web site www.equipped.com. Therefore, we demand that you cease and desist from using Aron's name on your site within ten (10) days from the date of this letter, which should be sufficient time to arrange for the site to be revised to delete Aron's name. Please be advised that, if Aron's name is not removed by that deadline, we will consider your continued unauthorized commercial use of his name to be knowing use, which, in addition to all other remedies, will entitle Aron to treble or punitive damages. In that event, we will promptly institute proceedings to redress the situation. Once litigation is commenced, the opportunity for resolution will have expired.

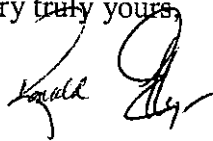
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Thank you in advance for your cooperation.

Very truly yours,

A handwritten signature in black ink, appearing to read "Ronald E. Elberger". The signature is written in a cursive style with a large, prominent initial "R".

Ronald E. Elberger

REE/MM/djm

cc: Aron Ralston
470322