

Law Office of Ralph J Strebel
Attorney at Law*

*Licensed in Colorado and Arizona

20 January 2017

Mr. Mike Paul
Executive Director
On Target 4 Vets
4607 Conway Court
Old Hickory, Tennessee 37138

VIA COURIER & E-MAIL

Re: Notice to Cease & Desist the Use of Trademarks Owned by Mr. Mike Buchl

Dear Mr. Paul,

This firm represents Mr. Mike Buchl, the owner of the intellectual property rights, among other things of the service mark and logo of "On Target 4 Veterans." As I am sure you are aware, there has been some disagreements between Mr. Buchl, a founder and former member of the Board of Directors of the Colorado registered not for profit organization, "On Target 4 Veterans" with yourself and the current organizations.

It is the position of Mr. Buchl as well as this law firm that currently On Target 4 Veterans may be endangering its IRS 501(c)(3) non-profit status. It is our understanding that the current organizational structure and operational approach are failing to follow norms of non-profit organizations. It is our understanding that the current organization is most likely not compliant with IRS 501(c)(3) requirements regarding normal operational procedures such as ensuring that the bylaws are followed in regards to:

- a. No regular formal meetings;
- b. Actions being undertaken by the executive without board consent or board approval (i.e. no voting);
- c. Inadequate to no written minutes from meetings;
- d. Board members being appointed without voting;
- e. Funds being used for executive travel without appropriate board oversight;
- f. Insufficient accounting controls for funds spent;
- g. Breach of fiduciary duty of the executive director;
- h. Breach of duty of loyalty by the executive director;
- i. Self-dealing by the executive director;
- j. Failure to ensure annual voting for officers and directors;
- k. Executive Director receiving private benefits;
- l. Organizational funds being used for the inurement of the Executive Director;
- m. etc.

As noted above, Mr. Buchl is the owner of certain legal rights pertaining to the logo, the service mark and the original url of the organization (ontarget4veterans.org). Up until this time there has been a non-written agreement allowing your organization to use these assets. However, considering the above concerns, it is no longer in Mr. Buchl's best interest to allow On Target 4 Veterans to have access to and use the property and the property rights contained within the service mark and the logo.

You are hereby notified, that effective immediately, the Colorado not-for-profit, On Target 4 Veterans, or any other organizations that you as the executive director are directly or indirectly linked to, shall CEASE AND DESIST using the service mark "On Target 4 Veterans" and the logo. You may or may not be aware that Mr. Buchl is the sole owner of the service mark and the logo. Nonetheless please find enclosed with this letter, proof of Mr. Buchl's property interest in the service mark and the logo from the United States Patent and Trademark Office.

You are further notified that you must CEASE AND DESIST with your use of the logo and service mark for any and all of your sporting functions, fundraisers, clinics, meetings and all other activities. This includes but is not limited to all:

- a) Banners;
- b) Posters;
- c) Flags;
- d) Letterhead & Stationary;
- e) Business cards;
- f) Invoices;
- g) Advertisements;
- h) Vehicles;
- i) Buttons;
- j) Hats;
- k) T-Shirts ;
- l) Sweatshirts;
- m) Jackets (and any other clothing);
- n) Written flyers;
- o) Postcards;
- p) Stickers;
- q) And any and all other promotional material where the service mark may be located.

Furthermore and also effective immediately as a result of this notice to CEASE AND DESIST we demand that you take immediate steps to remove the service mark and/or logo and any reference of them from any and all social media websites and internet sites including but not limited to:

- a) OT4V.org;
- b) Facebook;
- c) LinkedIn;
- d) Twitter;
- e) Instagram; and
- f) any other social media site.

The affiliation with Mr. Buchl's firm, Mile High Meetings and Incentives is hereby terminated. You must also effective immediately remove from your websites, social media sites and any other advertisements, hyperlinks and any information or any indication of any affiliation with Mile High Meetings and Incentives.

Your continued use of the mark "On Target 4 Veterans" and its logo in connection with your current operations will constitute an infringement of Mr. Buchl's common law and federally registered service mark rights, as well as unfair competition. Confusion by individuals, as to the source of these service marks could lead to substantial damage of my client's trademark rights.

We wish to receive your assurances to discontinue use of the service marks and logo for "On Target 4 Veterans" as outlined above or notice of your good faith intent to discuss the particulars of this matter and means of resolution by 06 February 2017. If you fail to so advise us by that date, my client reserves the right, without further notice to you, to pursue all available legal and equitable remedies in the Federal District Court of Colorado or Tennessee.

Please only contact my office in regards to this matter as Mr. Buchl has been instructed by myself to not respond to any inquires about this matter. Lastly, please also do not contact Brad Knepper, All Copy Products, Mile High Meetings and Incentives or Marcia Chase. Again, please direct all enquiries in writing to my office

Sincerely,

Ralph J. Strebel
Attorney

CC: Client & File

Enclosures:

Trademark Status Document: Logo
Trademark Status Document: Service Mark