



**Holme Roberts & Owen LLP\***  
*Attorneys at Law*

VIA FEDERAL EXPRESS

October 16, 2009

Santan Brewing Company  
Attention: Anthony Canecchia  
8 South San Marcos Pl  
Chandler, Arizona 85225 7872

Dear Mr. Canecchia:

We represent the Arizona Board of Regents, and on behalf of Arizona State University ("ASU") the owner of numerous federally registered Sun Devil marks, as used with a wide variety of goods and services. These federal registrations give ASU the presumed exclusive use of the mark Sun Devil. In addition, ASU claims rights in its pitchfork mark, and variations thereof (including three finger pitchfork hand signs) which have been used at ASU sponsored sports events for decades. The pitchfork is closely associated with the athletic and entertainment services available through ASU. ASU is the owner of every single federal registration for Sun Devil and Sun Devils. Sun Devil is a famous mark, as you well know, being located in the same community as Arizona State University.

On May 22, 2009, ASU sent a letter to your company after it had learned that you were apparently displaying a Sun Devil named product as well as a pitchfork related mark, at a recent event without any authorization from ASU. That letter was never responded to. Instead, it was subsequently learned that your company filed, that very day, an application for federal registration of Sun Devil Ale, and you signed a declaration that to the best of your knowledge such mark would not be likely to cause confusion with the mark of anyone else. That declaration was false, and the filing of it was fraudulent. We note that there is no lawyer listed as a correspondent on your pending application, and that no lawyer or anyone else has ever responded to our client's letter to Santan dated May 22, 2009. If you have legal counsel, please provide this letter to that legal counsel and ask him or her to contact me.

ASU will oppose registration of Sun Devil Ale. In addition, it has asked me to make formal demand on Santan Brewing Company to cease all use of both Sun Devil Ale as well as any pitchfork related marks, as well as any other marks of

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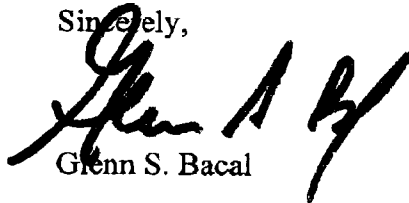
Santan Brewing Company  
October 16, 2009  
Page 2

ASU that you have unlawfully misappropriated. If you refuse our demand, our client will have no choice but to pursue litigation against Santan Brewing Company and all those acting in concern with it. ASU views your Sun Devil Ale as a counterfeit product, which bears a label that is intended to violate the rights of ASU. A finding of counterfeiting will result in enhanced damages in the event of litigation.

If you wish to try to reach an amicable resolution of this matter, with a reasonable phase out of the unauthorized use of my client's marks, I urge that you get back in touch with me promptly. The preference is to reach an amicable resolution, but your company's reaction to the initial demand would indicate that Santan intends to continue to act unlawfully here, until a court intervenes. If you force our client to seek help from the Courts, we shall seek every possible remedy available at law and equity, including trebling of damages and reimbursement of attorneys fees and costs, given the degree of willfulness of this infringement.

Please let me hear back from you with your intentions in this matter by no later than October 30, 2009. Thank you for your consideration of these matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Glenn S. Bacal". The signature is stylized and written in a cursive-like font.

Glenn S. Bacal

GSB/kc