



Elisabeth Townsend Bridge, Esq.
Direct Dial (414) 847-6154
Email: ebridge@andersendavislaw.com

June 2, 2023

VIA FED EX and E-MAIL

MaryGiesler@twins.com
Ms. Mary Giesler
Senior Vice President, General Counsel
Minnesota Twins Baseball Club
Target Field
1 Twins Way
Minneapolis, MN 55403

Re: Infringement of SUMMERFEST® Trademark

Dear Ms. Giesler:

We represent Milwaukee World Festival, Inc. ("MWF") in connection with its trademark matters. MWF is the owner of U.S. Trademark Registration No. 940,211, issued August 1, 1972, for the mark "SUMMERFEST®" (the "Mark") for use in connection with "arranging and conducting an annual summer entertainment festival", in International Class 41. MWF also owns U.S. Trademark Registration No. 1,771,580, issued May 18, 1993, for the Mark for use on "T-shirts, sweatshirts, nightshirts, belts, jackets, hats, shorts, and slacks," in International Class 25 (collectively, the "Registrations"). MWF has been using the Mark prominently on and in connection with these goods and services in the United States since at least as early as February 8, 1968. Copies of printouts of the Registrations from the U.S. Patent and Trademark Office (the "USPTO") website are enclosed for your reference.

MWF has been organizing and conducting the SUMMERFEST® music event for over fifty (50) years and many people travel to Milwaukee to attend this event from outside of Wisconsin, including from the Twin Cities. Through many years of substantially exclusive and continuous use, the Mark is a very well-known and famous mark. There is substantial goodwill associated with the Mark in connection with the goods and services provided under the Mark.

We understand that you represent the Minnesota Twins Baseball Club (the "Twins") as General Counsel. Recently, MWF learned that your organization is planning to hold a music entertainment event under the mark "TC SUMMER FEST" on July 14 and 15, 2023 which features musical entertainment and seems to be quite similar to my client's SUMMERFEST® event. In fact, it is our understanding that some of the same musical acts will be performing at both events.



Your client's unauthorized use of the Mark in its advertising of the "TC SUMMER FEST" event (including use in its domain address) constitutes a clear attempt by the Twins to trade on the longstanding and considerable goodwill developed by MWF in the SUMMERFEST® Mark. Your client's continued use of "SUMMER FEST" creates a likelihood of public confusion by suggesting that the Twins' event is connected with, or endorsed by MWF, which it clearly is not. Your client is using the Mark to enhance its business which dilutes the Mark and damages MWF's exclusive rights in the brand, which it has established over decades of use and through its Registrations.

The Twins' unauthorized use of "SUMMER FEST" constitutes trademark infringement, unfair competition and dilution of a famous mark under the Lanham Act, 15 *United States Code* §1051 et seq. Furthermore, your continued unauthorized use of "SUMMER FEST" constitutes willful trademark infringement and trademark dilution which may entitle MWF to treble damages and reasonable attorneys' fees under 15 *United States Code* §1117(b), in addition to injunctive relief.

The attempt to modify MWF's Mark by adding "TC" to the well-known and distinctive SUMMERFEST® Mark and by dividing SUMMERFEST into two words ("SUMMER FEST") is not sufficient to avoid confusion. In fact, you should be aware that, due to MWF's longstanding Registrations, the USPTO has refused attempts by others to register SUMMERFEST, with or without additional language, for use on music festivals based on a likelihood of public confusion with MWF's prior Registrations. Additionally, we have evidence of actual confusion through social media, with many people recognizing that the Twins are attempting to capitalize on MWF's well-known brand. MWF has also received ticket inquiries and concerns from its distributors who have become aware of the Twins' plans. All of this is damaging to MWF's Mark and diminishes the value of the brand.

MWF must take appropriate measures to protect its valuable brand by preventing infringement and preserving the considerable goodwill in the SUMMERFEST® mark. Consequently, we demand that the Twins immediately cease and desist all use of SUMMERFEST and/or any mark confusingly similar thereto on its website, signage, drawings, domains and all other materials, including goods. This includes any use and combination of the terms "SUMMER" and "FEST". We expect to receive a response from you confirming your client's willingness to resolve this matter in accordance with the terms herein by the end of next week.

Very truly yours,

Elisabeth Townsend Bridge

ETB/mcm
Cc: Ms. Mary Schanning, General Counsel
Milwaukee World Festival, Ins.