April 3, 2007

## QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP

NEW YORK 51 Madison Avenue, 22nd Floor New York, NY 10010 (212) 849-7000 Facsimile: (212) 849-7100

DATE:

LOS ANGELES 865 South Figueroa Street, 10th Floor Los Angeles, CA 90017 (213) 443-3000 Facsimile: (213) 443-3100

SAN FRANCISCO 50 California Street, 22nd Floor San Francisco, CA 94111 (415) 875-8600 Facsimile: (415) 875-6700

SILICON VALLEY
555 Twin Dolphin Drive, Suite 560
Redwood Shores, CA 94065
(650) 801-5000
Facsimile: (650) 801-5100

Number of Pages, Including Cover: 4

## NEW YORK OFFICE FACSIMILE TRANSMISSION

	NAME/C	COMPANY	]	PHONE NO.	FAX No.	
Jonathan Socializr,		<u></u>			4 <del>15-358-9582</del> 415-358-958	
From:	Sarah L. Har (212) 849-70 sarahhartley(		com			
Re:	Infringement of Evite.com's Copyright-Protected Designs by Socializr.com					
Message	:					
CLIEN	NT #61024	ROUTE/ RETURN TO:	Sarah Hartley		ONFIRM FAX CLUDE CONF. REPORT	

## QUIND @MANUO! trial tawyers | new york

51 Madison Avenue, 22nd Floor, New York, New York 10010 | TEL 212-849-7000 FAX 212-849-7100

WRITER'S DIRECT DIAL NO. (212) 849-7150

WRITER'S INTERNET ADDRESS michaelcarlinsky@quinnemanuel.com

April 3, 2007

<u>VIA FACSIMILE AND U.S. MAIL</u> (415) 358-9582

Jonathan Abrams Socializr, Inc. 660 4th Street, Suite 240 San Francisco, CA 94107

Re: <u>Infringement of Evite.com's Copyright-Protected Designs by Socializr.com</u>

Dear Mr. Abrams:

We represent Ticketmaster. Evite.com ("Evite") is one of Ticketmaster's operating businesses. Evite is the leading social event planning site on the Web, with over 11 million registered users, facilitating more than 10 million invitations to more than 300,000 events each month. Evite has expended substantial resources in the development of a unique online invitation and personal party planning website, creating numerous copyright-protected features, such as its invitation designs and distinctive page layouts and menu options through which users can create their own invitations or access various of the party planning tools offered by Evite.

It has recently come to the attention of Ticketmaster that Socializr, Inc. ("Socializr") has been, among other things, posting designs and page layouts on its website located at "www.socializr.com" that are identical, or strikingly, substantially, or confusingly similar, to Evite's copyrighted material. Socializr's use of Evite's copyrighted material or material strikingly, substantially, or confusingly similar thereto, is unauthorized. The unauthorized commercial use of Evite's copyrighted material constitutes actionable copyright infringement under the Copyright Act of 1976. 17 U.S.C. § 101 et seq. Willful infringement could subject Socializr to statutory damages in the amount of up to \$150,000, or actual damages, at the

## quipo ematrael arqubart effect ± bodges, fip

election of Ticketmaster. 17 U.S.C. §§ 504(b), (c)(2). Moreover, Ticketmaster will be able to recover its full costs, including reasonable attorney's fees. 17 U.S.C. § 505.

Socialize's actionable uses of Evite's copyrighted materials, or material strikingly, substantially, or confusingly similar thereto, include, but are not limited to, the following items accessible to registered users of Socialize's website:

- the "Hawaii Luau" design, under the "User Designs" tab, which utilizes an exact copy of Evite's "Hibiscus" template background design;
- the "Holiday" design, under the "User Designs" tab, which utilizes an exact copy of the central image from Evite's "Holiday Martini" design template, including Evite's "e" logo on the stirrer;
- the "Winter Celebration" design, under the "Designs" tab, which utilizes a design strikingly, substantially, and confusingly similar to that of Evite's "Winter Hues" design;
- 4. the look and feel of the Socializr invitation event creation page, which is strikingly, substantially, and confusingly similar in terms of format, layout, and features to Evite's invitation page;
- the look and feel of the Socializr design galleries, which are strikingly, substantially, and confusingly similar in terms of format, layout, and features to Evite's design galleries' layout;
- 6. the look and feel of the Socialize guest list options menu, which is strikingly, substantially, and confusingly similar in terms of format, layout, and features to Evite's guest list options menu;
- 7. the look and feel of the Socializr "RSVP" design, which is strikingly, substantially, and confusingly similar in terms of format, layout, and features to Evite's "Reply" design; and
- 8. the look and feel of the Socializr "Comments" section of the invitation page, which is strikingly, substantially, and confusingly similar in terms of format, layout, and features to Evite's "Guest List" section of its invitation page.

2

76490/2089819.1

To protect its valuable intellectual properties, Ticketmaster demands that Socializr provide written confirmation that it will permanently cease and desist from any unauthorized use of Evite's copyrighted material or any material strikingly, substantially, or confusingly similar thereto. Further, Ticketmaster demands that Socialize immediately:

- remove any and all instances of Evite's copyrighted materials or material strikingly, substantially, or confusingly similar thereto from its Web site and advertising materials;
- provide its written assurance that Socializr will not again publish or use in any unauthorized manner copyrighted works belonging to Evite, or works or depictions strikingly, substantially, or confusingly similar thereto; and
- provide its written assurance that Socializr will not use Evite's copyrighted works or works strikingly, substantially, or confusingly similar thereto.

If we do not receive written confirmation of Socializr's agreement to the foregoing terms by the close of business on April 13, 2007, then Ticketmaster will have no choice but to pursue its legal options. We await your timely response.

We do not intend, nor should you construe, anything in this letter as a waiver or relinquishment of any right or remedy that our clients may have in this matter, we hereby reserve all such rights and remedies.

Sincerely,

QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP

Michael B. Carlinsky

Muchael aciently (514)

MBC:SLH 76490/2089819.1