

*file Christmas
in Washington*

GEORGE STEVENS PRODUCTIONS

October 12, 1999

MEMORANDUM

TO: Melanne Verveer
FROM: George Stevens, Jr.
RE: *Christmas in Washington*

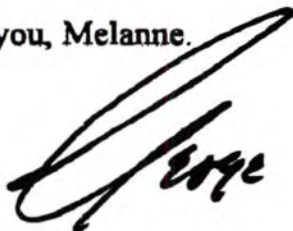
I learned late last night that NBC has decided not to do a Christmas show in Washington.

Thank you, Melanne, for your strong support and help in keeping *Christmas in Washington* a singular tradition.

Attached is the letter our attorney sent to NBC which laid out the case pretty clearly.

Again, thank you, Melanne.

GS:dmc
Attachment



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October 6, 1999

VIA FACSIMILE AND HAND DELIVERY

Doreen G. Small, Esq.
 National Broadcasting Company, Inc.
 30 Rockefeller Plaza
 New York, NY 10112

RE: Christmas in Washington

Dear Doreen:

I must follow up on my September 27th letter and our subsequent telephone conversations last week regarding *Christmas in Washington* in order that I be perfectly clear about my client's as well as my serious concerns regarding the developing information on NBC's plans to stage a Christmas gala and television special in December emanating from Washington D.C. As you know, after NBC dropped its option to continue to license *Christmas in Washington*, George Stevens notified NBC in an April 16th letter that he intended to continue and extend the 17 year *Christmas in Washington* tradition with a new partner.

My client has relied upon NBC's prior assurances, communicated through you on May 24th, in response to Mr. Stevens' letter, "that NBC has no intention of creating programming that will confuse viewers and audience members or infringe any protectible interest that New Liberty may have in *Christmas in Washington*."

It was particularly dismaying then for my client to learn that NBC had deliberately planned a competing Christmas event for Sunday December 12th, the second Sunday in December and the traditional weekend for *Christmas in Washington*. NBC's planned event therefore is in direct conflict with this year's

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Christmas in Washington event and telecast. Furthermore, after additional investigation, it appears that NBC and/or its representatives have been booking talent for the NBC show using the name *Christmas in Washington* and representing to talent that the President and First Lady would be in attendance. Moreover, it now appears that the trademark name *Christmas in Washington* has also been used with numerous advertisers, suppliers, participants and potential guests to create the mis-impression that NBC's planned Christmas event and telecast is a continuation of George Stevens, Jr.'s *Christmas in Washington* shows previously licensed to NBC.

In many other respects, it appears that NBC's proposed new Christmas show has been deliberately designed to closely resemble and serve the same purposes as *Christmas in Washington*, including the date NBC has chosen, the plan for a reception for congressional and other political leaders, the efforts to enlist the participation of the President and First Lady and the musical and entertainment talent being booked. It appears that the only element omitted by NBC is the traditional financial contribution to the Children's Hospital or another charitable institution.

Based on the information we have so far, it appears that NBC's efforts to stage its Washington-based Christmas event has created considerable and damaging confusion among the Washington political and business constituency, the White House, artists and their representatives and would inevitably create additional confusion among "viewers and audience members," precisely the sort of confusion NBC assured my client it would avoid. I expect that as we look into this matter further we will discover other examples of NBC's misuse of the trademark *Christmas in Washington* and resulting confusion regarding the nature and origin of NBC's program. NBC's actions have also been noted by New Liberty's licensee TNT, and Time Warner, who have asked that New Liberty take immediate and appropriate steps with regard to these issues and concerns.

I believe that NBC's prior actions, and the actions of its representative and agents, in using my client's trademark and in planning an event that is certain to confuse the audience and viewers, constitutes trademark infringement and unfair competition. NBC's attempt to alleviate the problem now by using another name for its proposed show in place of my client's trademark is an example of too little, too late.

In light of the foregoing, my client demands that NBC take immediate and appropriate steps to redress the serious violations of New Liberty's rights and respond to the damage and confusion caused by the actions of NBC and its

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representatives. Your immediate response is requested so that my client will be in a position to evaluate what further actions are appropriate and necessary.

Of course, this letter is being written without waiver of any of my client's rights or remedies, all of which are hereby specifically reserved.

Very truly yours,



John Firestone

JRF
Enclosure

cc: George Stevens, Jr.
Michael Stevens
Jess Morgan
Jordan E. Ringel, Esq.
Brad Siegel, TNT
Elizabeth Weller, Esq., TNT
Tim Boggs, Time Warner

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Winter Wonderland
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HOLIDAYS AT THE WHITE HOUSE