

Jodi A. DeSchane
+1 612 766 7901
jodi.deschane@FaegreBD.com

Faegre Baker Daniels LLP
2200 Wells Fargo Center ▼ 90 South Seventh Street
Minneapolis ▼ Minnesota 55402-3901
Phone +1 612 766 7000

December 3, 2019

VIA EMAIL AND AIR MAIL
17n15ndblep0@contactprivacy.email

Contact privacy Inc.
Customer 1242028799
96 Mowat Ave.
Ontario M4K 3K1
Canada

Pokah
Mystic Island

Re: Use and Registration of mysticisland.net
Our Ref.: 430770.236

Dear Sir or Madam:

We are counsel to the Shakopee Mdewakanton Sioux Community (“SMSC”) with respect to its intellectual property matters. Our client has become aware that you have registered and are using the domain name mysticisland.net in violation of our client’s incontestable trademark rights in its MYSTIC® mark.

As you may be aware, our client operates Mystic Lake Casino, the largest gaming and entertainment facility in the Midwest. Aside from numerous gambling opportunities such as video slot machines and blackjack tables, it has a state-of-the-art bingo hall, 2,100-seat entertainment venue, over 24,000 square feet of meeting/banquet space, seven restaurants, and 766 luxurious hotel rooms. Mystic Lake Casino currently has over 500,000 total square feet of gaming, entertainment, shopping, dining, and hotel space.

Since 1992 SMSC has been continuously using the mark MYSTIC, MYSTIC LAKE, and a family of marks incorporating the word MYSTIC in connection with a variety of gaming and casino related goods and services. In addition to common law rights, SMSC is the registered owner of numerous incontestable federal trademark and service mark registrations for marks consisting of or incorporating the word MYSTIC, including Reg. Nos. 2,126,487 and 2,799,696 for the MYSTIC mark, Reg. No. 2,408,284 for the MYSTIC LAKE mark and Reg. No. 2,677,172 for the MYSTIC GAMING mark, all for use in connection with entertainment

services, providing casino facilities, casino services, including providing for the use of games of chance, bingo games, casino table games, gaming machines, slot machines, video poker machines, video slot machines, video lottery terminals and roulette machines; Reg. Nos. 1,787,487 and 2,501,008 for the MYSTIC LAKE mark for playing cards, score cards, and gaming equipment among other goods; and Reg. No. 2649129 for MYSTIC SLOTS (collective referred to herein as the "MYSTIC Marks"). Therefore, SMSC's MYSTIC Marks are currently protected under state and federal trademark and unfair competition laws, including §§ 32 and 43 of the Lanham Act, 15 U.S.C. § 1051 et seq.

The use and registration of mysticisland.net is likely to give the impression that your goods and services are sponsored by or otherwise affiliated with SMSC and its MYSTIC Marks. In addition, such use is diluting the distinctive quality of SMSC's well-known MYSTIC Marks.

Accordingly, we request that you cease and desist all use of "MYSTIC ISLAND" or any other mark that is confusingly similar to SMSC's MYSTIC Marks in connection with any gaming and/or gambling services and cancel the domain name registration for mysticisland.net by following the instructions set forth by your registrar.

All rights, remedies, and causes of action are hereby expressly reserved.

Sincerely,

A handwritten signature in cursive script that reads "Jodi A. DeSchane".

Jodi A. DeSchane

cc: Shakopee Mdewakanton Sioux Community