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March 29, 2006

Via facsimile to 214 752-8700

Kristina Marie Kennedy, Esq.
Rose Walker, L.L.P.
3500 Maple Ave., Suite 900
Dallas, Texas 75219

Re: U. S. Patent No. 5,266,082

Ms. Kennedy,

This letter follows our telephone conversation of several weeks ago and my follow-up telephone call to you of earlier today when I left a voice mail message.

As I told you in our first conversation, the product you accuse of infringing was sold more than a year before the application for the referenced patent was filed. I enclose a copy of one invoice in 1984 to the [REDACTED] Corporation in Philadelphia, PA. The product has not changed between the date of the sale and today. Accordingly, if your accusation that the product is covered by the patent is accurate, then the patent is invalid pursuant to 35 U.S.C. §102. Continued allegations in the marketplace that BioPerformance is infringing the referenced patent or attempts to license the patent would be subject to claims of tortuous interference with business relations, both existing and potential, as well as antitrust violations and patent misuse.

Please call me if you have any questions.

Yours very truly,
Mason & Petruzzi



Robert M. Mason

Encl.