



November 2009

Dear Friends:

Thank you for helping to make us one of the fastest growing energy companies in the NY metropolitan area. Your continued patronage and preference for our company over the last 14 years has quickly propelled us into the top ranks as the heating and fuel service provider for thousands of homes and businesses across the city.

One of the outgrowths of our success is that we have garnered the attention of the United States Olympic Committee (USOC). The USOC requested that we change our name so as not to use the reference to "Olympic". Apparently, the USOC believes that someone might confuse our company with the Olympics or that someone may draw the incorrect inference that our company is a sponsor of the Olympics.

Because we are supportive of the Olympic Games and would rather not get embroiled in a protracted lawsuit over the name, despite the fact that we have a number of valid points in support of "Olympic Flame Fuel", we've opted to change our name. Therefore, as of today, we are proud to announce that our company will be known as **Marathon Energy Corporation**.

Nothing about our ownership has or will change. Nothing about the way your heating and fuel needs are handled will change. You can still reach the same people at the same location with the same phone numbers. All of our business principles remain intact and we will continue to serve you in the same respectful and professional manner you have come to expect.

We have now begun to transition from Olympic Flame Fuel Oil to Marathon Energy with the blessing and support of the U.S. Olympic Committee. You will start to see vehicles placarded under either name or employees with either company identification, however, rest assured that we are all one and the same.

We are thrilled that you have made us an ongoing part of your energy and heating needs, and we welcome you to the next phase of our own evolution as Marathon Energy Corporation.

Sincerely,

*Jerry Drenis*  
Jerry Drenis  
President

*Bobby Beys*  
Bobby Beys  
Vice President



Kelly Maser  
Assistant General Counsel,  
Intellectual Property

December 17, 2007

**VIA EMAIL & DHL**

Mr. Jerry Drenis, President/CEO  
Olympic Flame Fuel Oil Co., Inc.  
868 39<sup>th</sup> Street  
Brooklyn, NY 11232

Re: Unauthorized Use of OLYMPIC

Dear Mr. Drenis:

The USOC recently learned that Olympic Flame Fuel Oil Co., Inc. ("Olympic Flame") is using the word OLYMPIC in its trade name and as a service mark for services. Olympic Flame uses the mark OLYMPIC and a torch and flame on its trucks, signage and website, and presumably on other administrative and promotional materials as well. The USOC has not granted Olympic Flame permission to use the mark OLYMPIC or any other Olympic imagery in its business name or for any commercial purpose whatsoever.

The Olympic Flame is a unique symbol identifying the Olympic Movement. The idea of lighting the Olympic Flame for the duration of the Olympic Games originated in Greece, was revived in 1936 and has remained an Olympic tradition. When the Olympic Games are televised worldwide, one of the most striking and enduring images left with the viewers is that of the Olympic torch bearer carrying the "trademark" of the Olympic Games, the Olympic Flame.

You may not be aware that the United States Olympic Committee ("USOC") is a non-profit corporation chartered by Congress as the entity responsible for all international amateur athletic activities in the United States. The USOC is responsible for training, entering and funding the U.S. Teams in the Olympic Games. For more than 100 years, the USOC and its predecessor organizations have been using certain words and symbols in connection with the United States' participation in the Olympic Games, including the word OLYMPIC.

United States Olympic Committee  
1 Olympic Plaza  
Colorado Springs, Colorado 80909-5760  
Tel: 719-866-4115 Fax: 719-866-4694  
email: [kelly.maser@usoc.org](mailto:kelly.maser@usoc.org) web site: [www.usolympicteam.com](http://www.usolympicteam.com)

In order for the USOC to raise the money needed to perform the responsibilities outlined above, Congress granted the USOC the exclusive right to control all commercial use of Olympic imagery and terminology in the United States. See The Ted Stevens Olympic and Amateur Sports Act, 36 U.S.C. §220501 et seq. (the "Act"). (A copy of the relevant portion of the Act is enclosed for your information). This statute allows the USOC to file a lawsuit against any unauthorized commercial use of the term OLYMPIC. See 36 U.S.C. §220506(c). Clearly, Olympic Flame's unauthorized use of OLYMPIC and the torch and flame symbol in its business dealings violates the prohibitions of the Act.

In addition to the protection afforded by the Act, the USOC owns several registrations of the mark OLYMPIC and many registrations of marks that incorporate the term OLYMPIC, which are protected under the Lanham Act, 15 U.S.C. §1051 et seq. Olympic Flame's use of OLYMPIC without the USOC's permission may constitute trademark infringement and unfair competition. Even if consumers were not confused into believing that your company's services are associated with or endorsed by the USOC or the Olympic Movement, the proliferation of OLYMPIC trademarks results in the dilution of the USOC's valuable intellectual property rights.

Unlike the National Olympic Committees of many other countries, the USOC does not rely on federal funding to support all of its efforts. We raise the money we need to feed, house, and train U.S. athletes primarily by public fundraising and by licensing use of the Olympic marks to our official sponsors, suppliers, and licensees. These legitimate license fees pay to house, feed, train and otherwise support U.S. Olympic athletes, and finance this country's participation in the Olympic Games. Companies like Coca-Cola and McDonalds pay substantial sums for the right to use the Olympic marks, and through their Olympic sponsorships they have supported U.S. athletes for years. On the other hand, Olympic Flame is not authorized to use such marks. Your company's use of the mark OLYMPIC without the USOC's permission may interfere with the goodwill and legitimate promotional and marketing activities of the USOC's official sponsors and licensees.

For all of the above reasons, the USOC must insist that your company adopt a new name. We would like to settle this matter on an amicable basis that would enable Olympic Flame to continue to do business with as little inconvenience as possible. Recognizing that it will take time to change the name of an established business, the USOC is willing to provide you with a reasonable period of time to phase out the use of the mark OLYMPIC. Please advise us how long the company has been in business and let us know how much time you think it would require to select and implement a new name.

We would appreciate a reply to this letter by no later than January 15, 2008. If you would like to discuss this matter with me directly, please feel free to call me at the number above or you may contact my colleague, Carol Gross, at (719) 331-8409.

Sincerely,

*Kelly C. Maser*  
Kelly C. Maser *by ja*