

FOR IMMEDIATE RELEASE

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On Wednesday, June 28th 2006, my attorneys, Leyendecker & Lemire LLC, filed an action with the United States Patent and Trademark Office to have Shea Homes' registration of the trademark HIGHLANDS RANCH canceled.

The cancellation action is in response to Shea Homes' recent threat of legal action to prevent me from using www.myhighlandsranch.com, a website I have used for over four years without a single letter or call from Shea Homes informing me of their trademark claim. As one of the most successful real estate brokers in the Highlands Ranch community, it is *inconceivable* that Shea Homes was previously unaware of my use of the domain. I have even brokered homes owned by Shea employees and have listed those homes on this very website.

Over 500 businesses, schools, churches, governmental entities, charities and other organizations in the community use the phrase HIGHLANDS RANCH in their names and even more advertise their businesses in relation to their location in Highlands Ranch. A number of these businesses started even before Mission Viejo, the predecessor to Shea Homes, filed for trademark registration in 1996, a full 15 years after the Highlands Ranch community was founded.

Is it reasonable that Shea Homes and Mission Viejo: (i) invited businesses and people into the community; (ii) made substantial sums of money from the development of the community; and (iii) allowed, even encouraged, businesses to identify themselves as part of the community, only to decide years later that those people and those businesses should be required to have their identities changed or modified when Shea decides their use of the Highlands Ranch name no longer serves Shea's purpose?

Shea's actions towards me may just be the start. Do those of us in this community and similar communities in Colorado and Nationwide want master developers to decide what business names are acceptable and which are not acceptable? Do we want large master developers permitting a few select anointed businesses to carry the community name, perhaps for a fee payable to the developer, while denying the privilege to other

businesses? Shea actions are both *anticompetitive* and *fundamentally unjust*. Any business within a community should be permitted to use the name of the community in its advertising and business name. Anything else is nonsensical.

Fortunately, United States Trademark law does not permit an entity to hold a trademark for a term or phrase that is generic. The phrase HIGHLANDS RANCH has become a generic geographic descriptor for much of the northern portion of Douglas County. Very few residents in the Denver Metro area associate the phrase HIGHLANDS RANCH with Shea Homes or real estate sales. Rather, to most HIGHLANDS RANCH is believed to be a town. Equity under the law cannot allow Shea Homes to continue to harass hardworking small business owners who only want to indicate the geographic location of their business and/or the location where their goods or services are offered.

Because of the foregoing, I have decided not to give into Shea Homes and fight for the rights of all small businesses within the community. My conscience will not permit me to sit idly by while Shea Homes attempts to use the misplaced application of its trademark registration against the businesses and residents that in the last twenty five years have built a vibrant and successful community. And while a large measure of Highlands Ranch's success is no doubt attributable to the work of Shea Homes as the master developer, it should primarily be the roughly 80,000 residents and thousand of businesses within the community that determine the community's direction over the next 25 years.

The Brian Petrelli Team specializes in homes Highlands Ranch and is also the leading reseller of condos and townhomes in the Metro Denver area. The team consists of Brian Petrelli, 5 buyer agents, 1 listing agent and 4 administrative assistants. They can be contacted at 303-817-0209 or bpetrelli@kw.com.

The law firm of Leyendecker & Lemire LLC is an intellectual property and business boutique located in the south metro area. The firm specializes in transactional representation of entrepreneurs and small businesses including but not limited to trademark, copyright & patent procurement, business formation, business organization, contracts and dispute resolution. Either Kurt Leyendecker or Peter Lemire can be contacted by phone at 303-768-0650 and by email at general@lld-law.com. More information on the firm can be found at www.lld-law.com.

Sincerely,

Brian Petrelli
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