



June 3, 2016

Via Federal Express

Robert Ladd
President and CEO
MGT Capital Investments, Inc.
500 Mamaroneck Ave # 204
Harrison, NY 10528

RE: Potential Infringement of MCAFEE trademark

Dear Mr. Ladd:

Intel Corporation has learned, according to your company's recent press releases, that MGT Capital Investments, Inc. intends to change its corporate name to "John McAfee Global Technologies, Inc." after it acquires D-Vasive Inc. (a developer of anti-spy software) and appoints John McAfee as Chief Executive Officer.

As you surely are aware, Intel (under its Intel Security division) uses the MCAFEE trademark in connection with its portfolio of anti-virus and other security solutions and services. Further, McAfee Inc. owns numerous registrations for MCAFEE and MCAFEE formative trademarks in countries around the world. Through extensive use, the MCAFEE trademark is a strong mark and extremely well-known in the industry.

Any use of the MCAFEE name in connection with your company and its provision of D-Vasive's anti-spy software or other security solutions would surely be likely to confuse consumers as to the source of your company's products, and/or suggest some affiliation or relationship with McAfee or Intel that does not exist. Furthermore, any use of the MCAFEE name would be likely to dilute the MCAFEE mark under principles of both U.S. and state laws by reducing its unique association with McAfee and Intel Corporation. Your company's use of the MCAFEE name would constitute infringement and dilution of McAfee's established trademark rights as well as unfair competition.

John McAfee does not have any right to use the McAfee name for security related goods and services. Mr. McAfee sold the MCAFEE trademark to McAfee Associates, LP (a predecessor company). He has forfeited any right to use the McAfee name in connection with security solutions and services, especially where as stated above such use would lead to a certain likelihood of confusion. As stated by the Second Circuit in Levitt Corp. v. Levitt:

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If the infringing party has had some experience of his own in an industry, and wishes to establish a business under his own name, it is considered unfair to preclude him from using his name under all circumstances and for all times, although the first-comer has established a reputation and goodwill under the same appellation. ... **Where, as here, however, the infringing party has previously sold his business, including use of his name and its goodwill, to the plaintiff, sweeping injunctive relief is more tolerable.**

Levitt Corp. v. Levitt, 593 F.2d 463, 201 U.S.P.Q. 513 (2d Cir. 1979), quoting in part from Guth v. Guth Chocolate Co., 224 F. 932 (4th Cir. 1915), cert. denied, 239 U.S. 640, 60 L. Ed. 481, 36 S. Ct. 161 (1915). See Lazzaroni USA Corp. v. Steiner Foods, 2006 WL 932345 (D.N.J. 2006) (Granting preliminary injunction where Lazzaroni family sold the use of the name as a mark on macaroons and later began use of the name on its own competing macaroons).

Please provide written confirmation by June 17, 2016 that you will not change your company name to one that includes the MCAFEE trademark or otherwise use the MCAFEE name as a trademark. You are now on notice of Intel's objections. If you move forward with the name change, Intel will take all necessary legal action to protect its trademark rights.

Very truly yours,

Kelly W. Smith

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