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OUR FILE NO.:
578-B-05070103

July 1, 2005

VIA EMAIL ONLY

Ms. Lin McKinstry
MCN International, Inc.
15441 Red Hill Ave, Suite E
Tustin, CA 92780

Ms. Darlene Story
Lasting Impression I, Inc.
24 West Sheffield Ave.
Englewood, NJ 07631

RE: K.P. PERMANENT MAKE-UP VS. MCN AND LASTING IMPRESSION I
NINTH CIRCUIT COURT OF APPEALS, 2005

Dear Ms. McKinstry and Ms. Story:

We are delighted to inform you that the Ninth Circuit Court of Appeals denied KP Permanent Make-Up's Petition For Rehearing on the Ninth Circuit's May 19, 2005 decision. Enclosed is a copy of the June 28, 2005 order issued by the Ninth Circuit's Court of Appeals.

As you may recall on June 3, 2005, KP Permanent Make-Up (hereinafter "KP") filed a Petition For Rehearing with the Ninth Circuit, requesting the Court to reconsider its May 19, 2005 decision against KP. On June 28, 2005, the Panel Justices for the Ninth Circuit Court voted unanimously to deny KP's petition for rehearing.

We were confident that the Ninth Circuit's May 19, 2005 decision, which is highly favorable to us, would withstand adverse challenges. The denial of KP's Petition For Rehearing in effect forecloses any future challenges to the Ninth Circuit's May 19, 2005 decision.

We will keep you informed of any further developments in this matter. Please do not hesitate to contact me should you have any questions.

Very truly yours,

WU & CHEUNG, L.L.P.

By: 

Charles C.H. Wu, Esq.

CW:mk

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUN 28 2005

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

KP PERMANENT MAKE-UP INC,

Plaintiff-counter-defendant -
Appellee,

v.

LASTING IMPRESSION INC; et al.,

Defendants-counter-claimants -
Appellants,

ROES 1 THROUGH 10, inclusive,

Counter-defendant - Appellee.

No. 01-56055

D.C. No. CV-00-00276-GLT
Central District of California,
Santa Ana

ORDER

Before: HUG, BRUNETTI, and O'SCANNLAIN, Circuit Judges.

The panel has voted unanimously to deny the petition for rehearing. The petition for rehearing, filed June 3, 2005, is hereby DENIED.