

**January 17**

Dear LCMS Board of Directors Member,

In the name of Jesus, greetings.

We are writing to you and every member of the LCMS Board of Directors concerning what appears to be a change in the Board's position regarding our use of the "Issues, Etc." name for our new radio program.

When we began dealing with the LCMS over the "Issues, Etc." name, we were under the impression that the LCMS BoD was not opposed to our use of the name for our radio program.

This remained our belief, especially after the Board's announcement in the August edition of the Reporter:

"...the Board authorized its general counsel to prepare a release for use of the LCMS-owned trademark for the radio program "Issues, Etc.," the archived programs, and related materials to Rev. Todd Wilken and Jeff Schwarz. Wilken and Schwarz intend to continue the program, which was dropped by KFUD. According to Schultz, the Board expects the agreement will help bring the recent programming issues to a positive conclusion."

However, recent action by and communication from synod's legal counsel (opposing a trademark application for the name, and threatening to recommend that the LCMS take legal action against us personally) have led us to believe otherwise.

A brief review of the events surrounding the "Issues, Etc." name may be helpful:

According to the US Trademark office, in October of 1999, the LCMS cancelled its trademark on the name "Issues, Etc." Please note that this was almost ten years ago.

On March 18 2008, the LCMS cancelled the radio program bearing the name "Issues, Etc."

In May 2008, we asked Mr. Harry Madsen, president of Lutheran Public Radio, to make application for the name "Issues, Etc." with the US Trademark Office. Mr. Madsen applied on May 31, agreeing to arrange for us to use the name for our new radio program.

On September 9 2008, an attorney for the LCMS BoD sent us a proposed "Trademark Assignment and License Back" agreement. Among other things, this proposed agreement would have required, 1) that we concede that the LCMS still holds the trademark, 2) that we cause Mr. Madsen to abandon his application for the trademark, 3) that we submit to a broad non-disparagement clause regarding the LCMS, and 4) that we waive our rights to a jury trial in the event of a breach in the agreement.

For obvious reasons, we found this proposal unacceptable and informed the Board's attorney of such on November 13.

On November 4, Mr. Madsen's application for a trademark on the name "Issues, Etc." was published by the US Trademark office in the Official Gazette, and a Notice of Publication was issued.

On December 7, the LCMS filed a Letter of Opposition to Mr. Madsen's trademark application.

Finally, on December 16, the attorney for the LCMS BoD sent a letter to our attorney, informing us of the Board's Letter of Opposition, and threatening to recommend legal action against us personally. You will find this letter, as well as the Letter of Opposition attached to this email.

The argument in the LCMS's Letter of Opposition indicates that the LCMS BoD is now opposed to our use of the name "Issues, Etc." in principle. The threat of legal action against us personally makes it appear that the Board now opposes our use of the name for our radio show in particular.

Since no vote regarding this matter is recorded in the minutes of the BoD's most recent, November meeting, we are at a loss to explain this apparent change in the Board's position.

In any case, we find the BoD's apparent change of position regrettable. We fail to see how opposition to Mr. Madsen's trademark application or a threat of legal action against us personally will serve to *"bring the recent programming issues to a positive conclusion."*

Wir sind alle Bettler,

Todd Wilken, Host  
Issues, Etc.

Jeff Schwarz, Producer  
Issues, Etc.