EXHIBIT 9

KILPATRICK TOWNSEND
ATTORNEYS AT LAW

KILPATRICK TOWNSEND & STOCKTON LLP
www.kilpatricktownsend.com

9720 Wilshire Blvd PH
Beverly Hills, CA 90212-2018
t 310-248-3830 f 310-860-0363

direct dial 310 777 3722
direct fax 310 388 5312
DCaplan@kilpatricktownsend.com

March 29, 2021

Via Email (mcdowellspopup@gmail.com)

JMC Pop Ups LLC
Joe McCullough
Cherry Hill Mall
2000 NJ-38
Cherry Hill, NJ 08002

Re: Unauthorized Use of Paramount Pictures Corporation's Properties – *Coming to America / Coming 2 America*

Dear Mr. McCullough:

We write to you on behalf of our client Paramount Pictures Corporation ("Paramount"), owner of copyright and other intellectual property rights in and to the motion pictures entitled *Coming to America* and *Coming 2 America* (hereinafter collectively referred to as the "Properties"). *See, e.g.*, U.S. Copyright Registration Numbers PA0000376420; PA0002280086. As you are no doubt aware, *Coming to America* was a commercial success and the third highest-grossing movie of 1988, and remains immensely popular despite premiering 30 years ago. The sequel, *Coming 2 America*, was released just this month on Amazon Prime and was the No. 1 streaming movie during its opening weekend – and had the best opening weekend of any streaming movie in the past 12 months. The Properties' characters, dialogue, imagery, and other Protected Elements (defined below) have attained iconic status and remain fixtures in popular culture. No one is authorized to copy, reproduce, distribute, or otherwise use the Properties or their Protected Elements without the express written permission of Paramount.

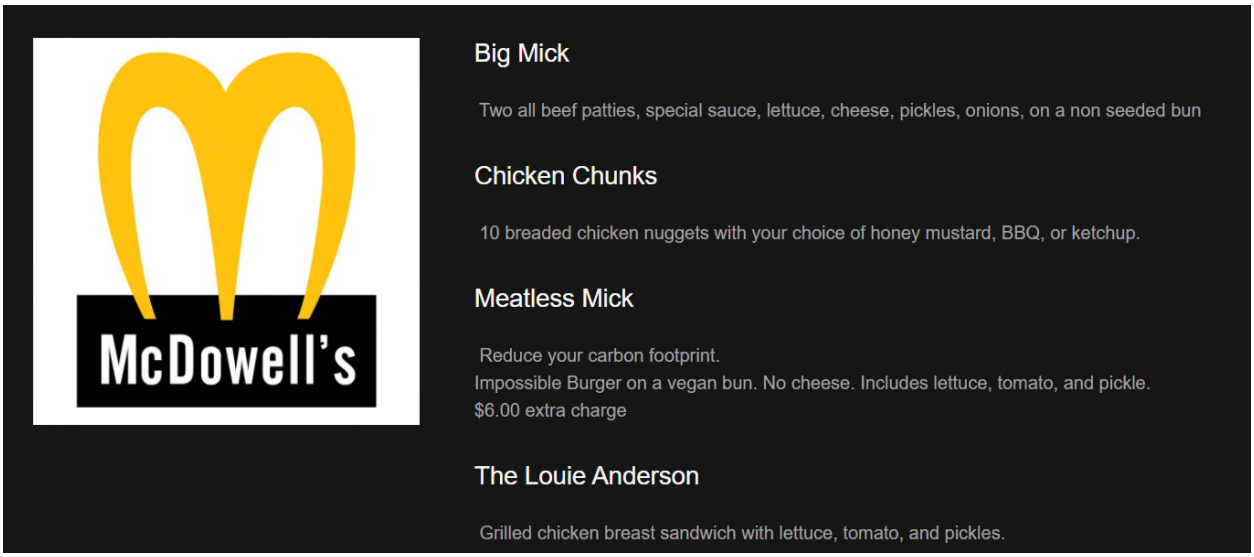
It has come to our attention that you will be offering a pop-up restaurant entitled "McDowell's" in Cherry Hill, NJ from April 16-25, 2021 (the "Infringing Event"). *See* https://mcdowellspopup.com/ and https://galaxyburgerandbeyond.ticketspice.com/mcdowells-pop-up. Per your website, you are using the "McDowell's" name and associated elements, including the stylized "Golden Arcs" made popular in the Properties, to promote the Infringing Event and sell associated, unauthorized, merchandise (the "Infringing Products"). You also use lines and other creative elements from, or express references to, the Properties in your promotions for the Infringing Event and Infringing Products, for example, your menu offers the "Big Mick" with a "non-seed bun"; the "Meatless Mick" (a play on the "Beyond Big McBurger" featured in *Coming 2 America*); the "Louie Anderson" (an actor in the Properties); and the "Sexual Chocolate Cake Shake" (the name of the band from the Properties). Advertisements for the Infringing Event also indicate that it will offer an "Employee of the Month" photo

opportunity for guests, which was an award presented to Akeem in *Coming to America* (these lines and creative elements hereinafter collectively referred to as the "Protected Elements"). We also understand you intend to offer further iterations of the Infringing Event, as evidenced by your public commentary. *See, e.g.*, https://6abc.com/mcdowells-coming-to-america-cherry-hill-mall-2-pop-up-eddie-murphy/10414353/.

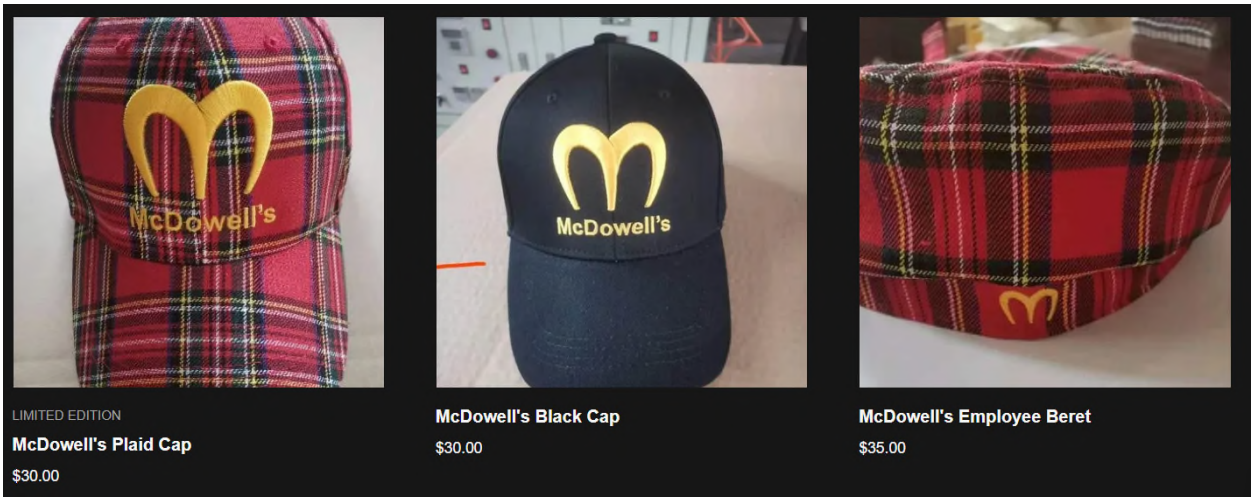
Representative images of your infringing use of the Protected Elements below for your reference:



https://galaxyburgerandbeyond.ticketspice.com/mcdowells-pop-up



https://mcdowellspopup.com/menu



https://mcdowellspopup.com/

Your unauthorized use of the Protected Elements constitutes, among other things, copyright infringement and unfair competition in violation of Paramount's intellectual property rights in the Properties. It is clear that Infringing Event and Infringing Products are improperly trading off the enormous goodwill built up in the Properties and the Protected Elements, which belongs exclusively to Paramount.

Your unauthorized use of the Protected Elements also interferes Paramount's ability to exploit its intellectual property rights. The Infringing Event is especially problematic given Paramount's recent release of the original film's long-awaited sequel—*Coming 2 America*—which as we're sure you are aware, has received high praise and fan support. While Paramount values its fans and appreciates your continued admiration for the Properties, it must also ensure the protection of its intellectual property rights. According, Paramount demands that you:

1. Immediately cancel the Infringing Event and cease all promotion and/or sales of the Infringing Event and Infringing Products;

2. Immediately remove and permanently cease all use of the Properties and/or any of the Protected Elements, including any creation, distribution, display, performance, promotion or marketing containing the Properties or the Protected Elements, on your website and any social media pages, including but not limited to the sites and pages listed below;

    a. https://mcdowellspopup.com/

    b. https://www.facebook.com/mcdowellspopup/

    c. https://www.instagram.com/mcdowellspopup/

3. Destroy all Infringing Products and all other tangible things displaying the Properties or the Protected Elements, including marketing materials, billboards, signage, products and

product packaging, hats, t-shirts and other apparel, employee uniforms, promotional flyers, posters and mailings in your possession and/or control; and

4. Provide written confirmation that you have complied with Paramount's demands by **April 5, 2021**.

I can be reached at dcaplan@kilpatricktownsend.com or by phone at 310-777-3722. I look forward to discussing this matter further with you.

Nothing in this letter constitutes a waiver of any rights, claims or remedies of Paramount or any of its related entities, all of which are expressly reserved.

Very truly yours,



David K. Caplan