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March 1, 2006

Via U.S. Mail

Via email to: editor@exgaywatch.com michael@exgaywach.com and michaelairhart@msn.com

Michael Airhart

[address redacted]
Washington, DC 20001

Re: Infringement on Exodus International Intellectual Property Rights

Dear Mr. Airhart:

Liberty Counsel is a national public interest law firm. We have presented many briefs before the United States Supreme Court, and we have argued before the High Court and in state and federal courts throughout the nation. Liberty Counsel has offices in Florida, Virginia and hundreds of affiliate attorneys licensed in all 50 states and the District of Columbia. We frequently provide assistance to various organizations including Exodus International ("Exodus").

It has recently come to our attention that your web site republished an image from <http://justinsomnia.org>, which was taken from the Exodus web site. As you are aware, you also published that image at <http://www.exgaywatch.com/blog/index.html>. Publication of the image on your web site also infringes on the intellectual property rights of Exodus. Mr. Watt of justinsomnia.org cites the "Wikipedia" free dictionary to support his mistaken belief that the stolen image is exempt from federal intellectual property laws as a "parody" due to "fair use." Unfortunately, the intricacies of federal law cannot adequately be covered on "Wikipedia" due to the variety of facts addressed by courts in numerous cases. Your publication of the image is indeed a violation of copyright law and is not covered by "fair use." Nearly the entire image file from the Exodus web site was is used on your web site with only two changes. The word changed "Gay" to "Straight?" and "www.exodus.to" to "www.gay.com." Furthermore, the altered image substantially diminishes the potential value of the original image as utilized by Exodus on billboards across America and online. Moreover, your infringing activity creates the false impression that Exodus is sponsoring or endorsing the altered billboard, in violation of the Lanham Act, 15 U.S.C. § 1125, as it contains the "E" logo mark that belongs to Exodus. You have not been licensed or authorized to use either the image or the logo belonging to Exodus.

Michael Airhart
Exgaywatch.com
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We are confident that you will understand our insistence that you immediately cease use of the image on your web site or in any other form. Please confirm your agreement to this request, and please note your confirmation that no other use is being or will be made of the images or logo, by signing and returning an original signature on a copy of this letter at the address shown above, no later than March 15, 2006. We appreciate your anticipated cooperation with this request.

Sincerely,

/s/

Mathew D. Staver, Esq.

MDS:as

I HAVE REVIEWED THE FOREGOING LETTER AND AGREE TO ITS TERMS:

By: _____

Title: _____

Dated: _____