

EXHIBIT B

October 22, 2009
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More broadly, the Parodic Site serves the public interest by advancing political criticism and debate about the Chamber's position on global warming legislation, obviously of public concern as the Chamber purports to "represent[] 3 million business of all sizes, sectors, and regions." DMCA Takedown at p. 1. *See also* Nimmer on Copyright, § 13.05[B][4] ("the public interest is also a factor that continually informs the fair use analysis."); *see also Sony v. Universal*, 464 U.S. 417, 431-32 (1984) ("courts are more willing to find a secondary use fair when it produces a value that benefits the broader public interest."); *Mattel*, 353 F.3d at 806 ("the public benefit in allowing . . . social criticism to flourish is great").

We are frankly disappointed that the Chamber of Commerce has chosen to take this approach, particularly in light of the Chamber's well-documented history of support for free speech. *See* <http://www.uschamber.com/nclc/caselist/issues/freespeech.htm>. In order to prevent any further harm to our client, we request that you immediately withdraw your letter. Please be aware that if Hurricane Electric takes down the Parodic Site in response to your DMCA takedown notice, or "cancel[s] the accounts of those users that have posted" the Parodic Site as demanded, your client may be subject to liability under not only 17 U.S.C. § 512(f) (misrepresentation of infringement under the Digital Millennium Copyright Act) but also the relevant tortious interference statute. DMCA Takedown at p. 2.

If you would like to discuss this matter further, please do not hesitate to contact me.

Sincerely,



Matthew Zimmerman, Esq.

cc: Benny Ng, Hurricane Electric
Jamie McClelland, May First