**RECEIVED**

OCT 29 2003

AOL Legal Department

1300 Oliver Building  
Pittsburgh, Pennsylvania 15222-2304

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Fax: 412-456-2864

Web: www.muslaw.com

Writer's direct dial phone number and e-mail address:

412-456-2881 ~ dgo@muslaw.com

October 21, 2003

Jim Bramson, Esquire  
Counsel  
America Online, Inc.  
22000 AOL Way  
Dulles, VA 20166

**RE: Unauthorized Use of Copyrighted Work**

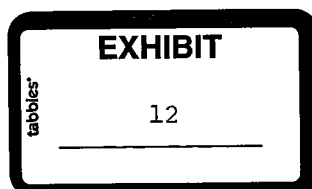
Dear Mr. Bramson:

I serve as legal counsel to Valencia McClatchey, who holds a registered copyright on a photograph of the Flight 93 crash site that she took shortly after the tragic events of September 11, 2001 (the "Photograph"). A copy of the U.S. Copyright Office Certificate of Registration for the Photograph (Reg. No. VA 1-128-462), which has been entitled "End of Serenity" is enclosed, as is a copy of the Photograph.

The copyrighted Photograph recently was included on the homepage for America Online, Inc. ("AOL") (www.aol.com) on at least August 8 and 9, 2002, without the permission of and any accreditation to Ms. McClatchey. Ms. McClatchey has permitted use of the Photograph by other media outlets, but only after careful consideration of the intended use of the Photograph and reaching individual agreements with such users. In many instances, Ms. McClatchey has received license fees and, in all cases, her ownership and authorship of the Photograph has been recognized. At no time has Ms. McClatchey tendered or dedicated the Photograph to the public domain.

Therefore, on behalf of my client, I respectfully demand that AOL and its affiliates make no further use of the Photograph and delete all records and copies of the Photograph from AOL's records and computer files. I ask that you please confirm, on or before October 24, 2003 that AOL has taken this action.

In addition, I further request that AOL provide information concerning (i) all days when the Photograph was displayed by AOL on its homepage or through related links, and (ii) the number of "hits" or times that the Photograph was viewed by users of the AOL homepage.

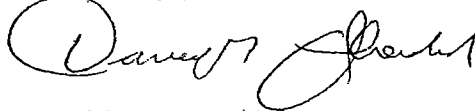


AP00002-A

Jim Bramson, Esquire  
Page 2  
October 21, 2003

Ms. McClatchey reserves all rights that she may have in connection with AOL's unauthorized use of the Photograph, including but not limited to pursuit of a claim for copyright infringement.

Very truly yours,

A handwritten signature in cursive script, appearing to read "David G. Oberdick". The signature is written in black ink and is positioned above the printed name.

David G. Oberdick

DGO/lam  
Enclosures

cc: Ms. Valencia M. McClatchey

#461343

AP00002-B

America Online

File Edit Print Window Sign Off Help

Mail People Services Settings Favorites  
Read Write IM Chat Shop Internet AOL Help My Favorites Radio Parental Control

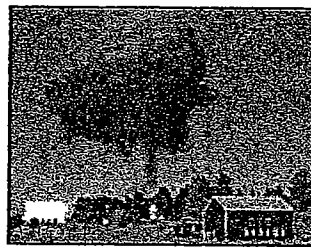
Channels AOL Keyword Type AOL Keywords or Web Addresses here

- ENHANCED BY Google Search
- Hot Searches
- Welcome
  - Autos
  - Careers & Work
  - Computer Center
  - Entertainment
  - Games
  - Health
  - Home/Real Estate
  - International
  - Kids Only
  - Local Guide
  - Music
  - News
  - Parenting
  - Personal Finance
  - Research & Learn
  - Shopping
  - Sports
  - Teens
  - Travel
  - Women

Welcome, Invent600!

- AMERICA Online
- Mail Center: News: 0
- Picture Center
- People & Chat
- CD - Quality Radio
- Small Biz Tools
- Sales & Marketing
- Money & Finance
- Resource Center
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- Help & Support

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|-----------|----------|--------|
| DJIA      | 9,176.80 | +50.35 |
| Nasdaq    | 1,647.33 | -4.85  |
| S&P 500   | 977.78   | +3.66  |
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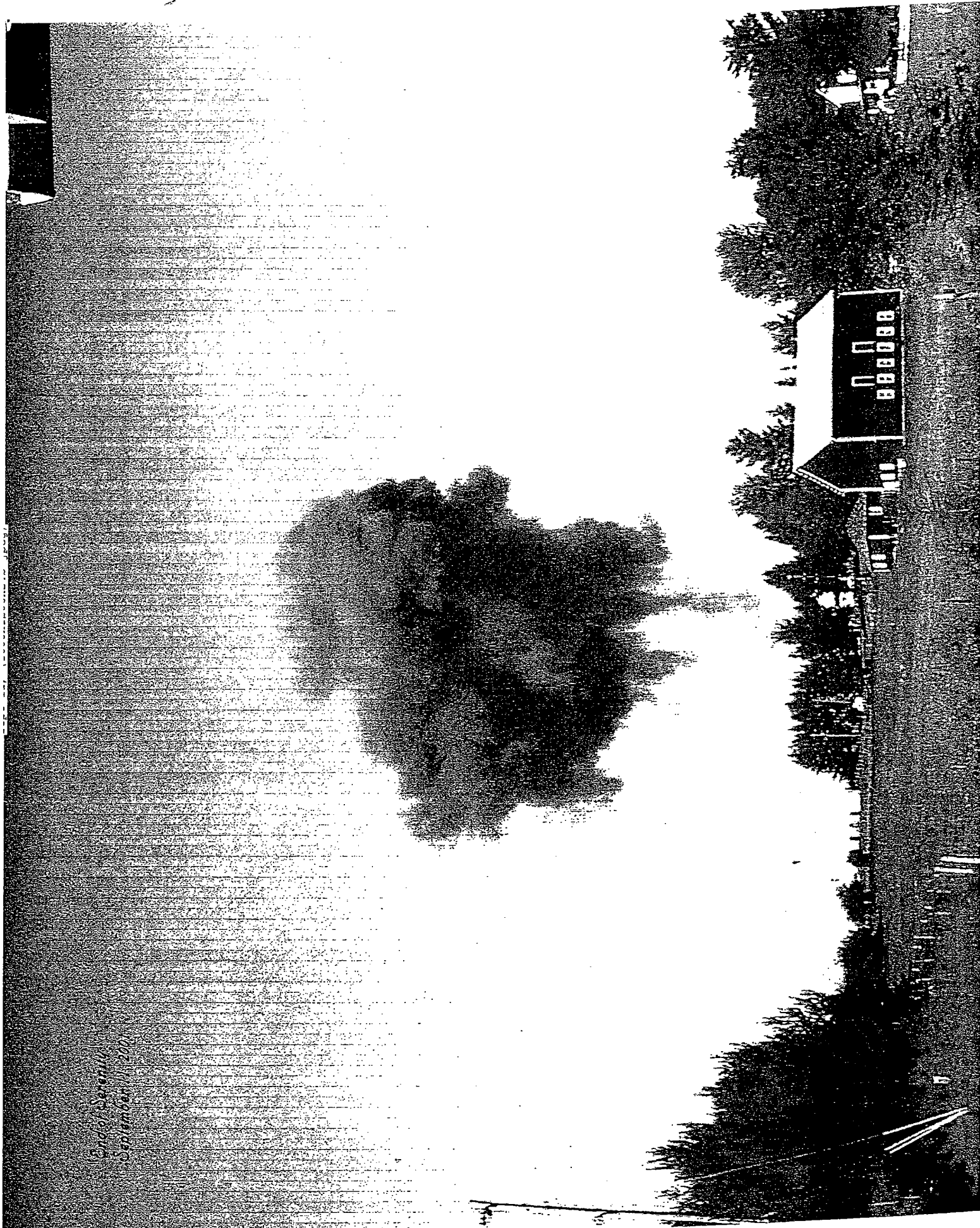
start

GoldMine 5.7

Inbox - Outlook Express

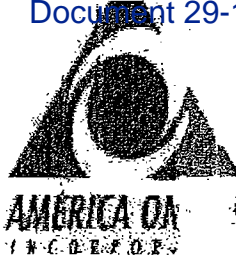
America Online

AP00002-C



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01/19/06

AP00002-D



VIA FIRST CLASS MAIL

January 22, 2004

David G. Oberdick, Esq.  
 Meyer, Urkovic & Scott, LLP  
 1300 Oliver Building  
 Pittsburgh, PA 15222-2304

Dear Mr. Oberdick:

I thank you for your letter dated October 21, 2003. AOL respects the intellectual property rights of others and has reviewed and addressed the concerns raised in that letter.

We received your letter on October 29, 2003. The only access to the photo described in your letter was through the Associated Press ("AP"), which AOL could have had contact between AOL and the

On October 31, 2003, I forwarded a copy of your letter by e-mail to AP's attorney, George Galt. It is my understanding that Mr. Galt has advised you directly to follow up on your concerns.

We believe that the concerns raised in your letter have been addressed. Should you have any questions or concerns, please do not hesitate to contact us.

Sincerely,

Roxanne F. Sch  
 Legal Specialist

cc: George Galt, Esq.

**VIA FIRST CLASS MAIL**

January 22, 2004

David G. Oberdick, Esq.  
Meyer, Unkovic & Scott, LLP  
1300 Oliver Building  
Pittsburgh, PA 15222-2304

Dear Mr. Oberdick:

Thank you for your letter dated October 21, 2003. AOL respects the intellectual property rights of others and has reviewed and addressed the concerns you raised in that letter.

We received your letter on October 29, 2003. The only manner in which AOL could have had access to the photo described in your letter was through an agreement between AOL and the Associated Press ("AP").

On October 31, 2003, I forwarded a copy of your letter via overnight mail to AP's attorney, George Galt. It is my understanding that Mr. Galt has since contacted you directly to follow up on your concerns.

We believe that the concerns raised in your letter have been addressed. Should you have any questions or concerns, please do not hesitate to contact me again.

Sincerely,

Roxanne Esch  
Legal Specialist

cc: George Galt, Esq.

AP00002