



VIA E-MAIL and FACSIMILE (404-627-7789)

Timothy Dorr
Administrative Contact
A Small Orange Software
650 Hamilton Avenue SE
Suite D
Atlanta, Georgia 30312

Re: Take-Down Notice Under the Digital Millennium Copyright Act

Dear Mr. Dorr:

We note as a preliminary matter that we did not find an Interim Designation of Agent filing for A Small Orange Software at the Copyright Office directory located at <http://www.copyright.gov/onlinesp/list/index.html>. Thus, if you are not the current, correct DMCA Designated Agent for A Small Orange, please advise immediately and please forward this to the correct Designated Agent for A Small Orange.

Our research indicates that your company acts as the web host and service provider for the website associated with the domain name "43rdstateblues.com," (the "Domain") based on a WHOIS lookup that shows the domain resolving to NS1.ASMALLORANGE.COM as the primary DNS. If this is not correct and you do not act as the web host for the Domain, please advise immediately

We act as intellectual property counsel to Melaleuca, Inc. Pursuant to relevant provisions of the Digital Millennium Copyright Act ("DMCA") found at 17 § U.S.C. 512(c), we hereby: (1) notify you of copyright infringements by those of your clients associated with the Domain (note that they have registered the Domain anonymously through Go-Daddy by using Domains By Proxy, Inc.) and (2) demand the expeditious removal of or prevention of access to the infringing material, as identified below. In the event A Small Orange does not comply with these demands, Melaleuca reserves its right to take all appropriate action against A Small Orange, which may include, but is not limited to, claims of direct and contributory copyright infringement, as well as contributory trademark infringement. We note that A Small Orange's apparent failure to identify a Designated Agent under the DMCA may abrogate the safe harbors it might have otherwise enjoyed as a service provider, and we encourage you to discuss that issue with your copyright counsel.

Pursuant to 17 § U.S.C. Section 512 (c)(3), we hereby provide the following information as elements of a formal DMCA Notification:

Exhibit C

DNS Administrator
A Small Orange
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(1) Those of your hosting clients associated with the Domain (the “Clients”) have infringed and continue to infringe copyrighted works to which Melaleuca owns the exclusive right to reproduce, adapt, display and distribute, including, but not limited to, that certain letter authored by an officer of Melaleuca and posted by the Clients or their agents at <http://www.43rdstateblues.com/?q=vandersloot-takedown> (the “Infringed Content”). A PDF scan of the Infringed Content accompanies this letter to aid you in locating and identifying it for removal;

(2) We believe in good faith that: (a) the material described in subparagraph (1) above infringes Melaleuca’s copyrights in the materials described in subparagraph (1) above, and that (b) your Client’s reproduction, adaptation, display and distribution of the materials described in subparagraph (1) above is not authorized by Melaleuca, its agents or the law;

(3) The undersigned states that the information in this Notification is accurate, and under penalty of perjury, that the undersigned is authorized to act on behalf of Melaleuca, who owns the exclusive rights to reproduce, adapt, display and distribute the infringed material described in subparagraph (1) above; and

(4) You may contact me at the following address:

Brad R. Frazer, J.D., M.B.A.
Senior Counsel
Technology Law Group, LLC
8950 West Emerald, Suite 198
Boise, ID 83704
(208) 939-4472 / (208) 939-1690 (direct)
(208) 939-5755 (facsimile)
bfrazer@technologylawgroup.com

Pursuant to the DMCA, A Small Orange’s expeditious removal of or prevention of access to the Infringed Content may result in limiting A Small Orange’s liability for its direct involvement in and contribution to the above-described infringements.

We also note that A Small Orange’s unauthorized use of Melaleuca’s trademarks on <http://www.43rdstateblues.com/?q=vandersloot-takedown>, among others, violates Melaleuca’s trademark rights, and may therefore constitute contributory trademark infringement, liability for which may be reduced by A Small Orange’s expeditious removal of or suspension of access to the Infringed Content.

We look forward to your prompt compliance and reply.

DNS Administrator
A Small Orange
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Very truly yours,

/brad r frazer/ (electronic signature for PDF copy)

Bradlee R. Frazer, J.D., M.B.A.
Senior Counsel
Technology Law Group, LLC
Attorneys for Melaleuca, Inc.

BF/bf
Enclosures

cc: Melaleuca, Inc.