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May 5, 2009

Andrea L. Calvaruso
Donovan, Calvaruso & Yee, LLP
110 Greene Street, Suite 700
New York, NY 10012

Re: Our client, National Organization for Marriage, Inc., and your client, Miss Universe L.P., LLLP

Dear Ms. Calvaruso:

This law firm represents the National Organization for Marriage, Inc. (NOM), a non-stock Virginia corporation. This is our response to your cease and desist letter dated May 4, 2009, sent by email.

No permission was required and no permission was sought from Miss Universe L.P., LLLP ("MUO") for use of the approximately seven second clip of the Miss USA Competition, on April 19, 2009. NOM's use of this seven second video clip is protected by 17 U.S.C. § 107 for the purpose of criticism, comment, news reporting, and education as it relates directly to NOM's exempt purpose. NOM's use is not a commercial use, but as an issue advocacy advertisement it is protected by the First Amendment to the U.S. Constitution and the fair use doctrine of the Copyright Act.

The fair use doctrine under federal copyright law has even wider application when use relates to issues of public concern and/or political use, e.g., same-sex marriage. *See National Rifle Association of America v. Handgun Control Federation of Ohio*, 15 F.3d 559 (6th Cir. 1994); and *Hustler Magazine v. Moral Majority*, 796 F.2d 1148 (9th Cir. 1986).

Andrea L. Calvaruso
May 5, 2009
Page 2

For the above reasons, the National Organization for Marriage rejects your demand that it cease and desist from broadcasting its lawful television advertisements or posting the ad on the Internet.

Any further communications should be directed to me. Thank you.

Sincerely,

BOPP, COLESON & BOSTROM

A handwritten signature in black ink, appearing to read "Barry A. Bostrom". The signature is written in a cursive, flowing style.

Barry A. Bostrom