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July 11, 2008

Via Email: joe@joetully.com
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Mr. Joseph Tully
Joseph Tully Art Direction & Design
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Re: Infringing Use of *New York Times* Materials on www.joetully.com

Dear Mr. Tully:

I am counsel to The New York Times Company (the "Company"), which publishes *The New York Times* newspaper and the website www.nytimes.com.

It has come to our attention that you recently published in the "News" section on your web site at <http://www.joetully.com/Peace/News.html> an image that would seem to be an article from the "WeekendArts" section of the Friday *New York Times* newspaper: it is headed with the internationally known, copyrighted and trademarked *New York Times* logo, followed by a section heading identical to that used for the Friday arts section and finally, features an image with an art review bylined "Michael Kimmelman" all about the work of "Joe Tully". Except, of course, that no such article has ever run in *The New York Times*. This use of The Times's intellectual property might reasonably cause even a sophisticated reader to believe this was a real *New York Times* article and, as such, constitutes a clear violation of Section 43(a) of the Lanham Act. In short, this is a glaring infringement of The Times's rights under U.S. Copyright and Trademark law.

We therefore demand that you immediately remove all references to and trademarks of The New York Times from your site and that you cease and desist from any further

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unauthorized use of *New York Times* (or other Company-owned) material. To avoid further action on our part, please confirm in writing, within three (3) days of your receipt hereof, that you have complied with these demands.

The demands made herein shall not waive or prejudice any right or remedies that the Times may have in respect of the matters set forth herein, all of which rights and remedies are expressly reserved.

Sincerely,



Deborah Beshaw

cc: David Braun
Lee K. Riffaterre, Esq.
Richard S. Samson, Esq.

:dlb