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March 9, 2009

Dr. Ronald S. Federici
1479 Chain Bridge Road
McLean, VA 22101

RE: Charly D. Miller; Alleged DMCA Violation

Dear Dr. Federici:

Please be advised that the undersigned has been contacted by Ms. Charly Miller with respect to the alleged violation of your DMCA rights. In that regard, I have reviewed several items of correspondence between yourself and Ms. Miller, together with her quote of portions of your work. I have also reviewed the law affecting her use of that material, and in particular, have reviewed United States Code §17-107, relating to fair use of copyrighted materials.

It is clear to me, without question, that her use of that material falls within the provisions of the afore-cited section. Specifically, the protection afforded by the act is excluded for "reproduction and copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship or research..." Further, any use made by Ms. Miller of the quoted portion of your work is clearly de minimis as the same relate to the entire body of the work you produced. It is clear that Ms. Miller is not quoting your work for any financial gain, whatsoever, and further, as set forth above, it is clear that her quotation of your work is a criticism of the same, which is cleared protection under §17-107 of the act.

Therefore, demand is hereby made upon you to cease and desist any further communication with Ms. Miller concerning the threat of any action under §17-107 of the United States Code, and further demand is made to cease and desist further communication with her web-host, E Street with respect to this issue. Any action you may take in that regard would clearly be determined to be an intentional interference with an existing business relationship, would be frivolous, and would be considered to be such by any judge hearing a copyright claim governing Ms. Miller's use of your published material. Please conduct yourself accordingly.

Sincerely,

MORROW, POPPE,
WATERMEIER & LONOWSKI
A Limited Liability Organization

By 

David W. Watermeier

DWW/amw
C Charly Miller

USE YOUR BACK BUTTON To Return To Wherever You Came From
OR Use the Following Links:

Return to CHAS' OPINION PAPER About FEDERICI:

<http://www.charlydmiller.com/LIB13/2009FebFedericiPage.html#March09>

Return to the Restraint Asphyxia LIBRARY:

<http://www.charlydmiller.com/RA/RAlibrary.html#Federici>

Go to the Restraint Asphyxia Newz Directory:

<http://www.charlydmiller.com/ranewz.html>

Go to CHAS' HOME PAGE:

<http://www.charlydmiller.com>

 **Email Charly at: c-d-miller@neb.rr.com**

Those are hyphens (dashes) between the "c" and "d" and "miller"