

April 18, 2005

SENT VIA EMAIL to abuse@above.net

Simpli Biz
1918 Pine Street
San Francisco
CA
94109

Abovenet Communications, Inc
360 Hamilton Ave
White Plains
NY
10601

Both c/o abuse@above.net

Re: 17 U.S.C. §512 Takedown Letter, Copyright Infringements at
www.walmart-foundation.org
Our file: 21188-209543

Dear Abuse Department:

We are intellectual property counsel to Wal-Mart Stores, Inc. (Wal-Mart) and the charitable foundation, the Wal-Mart Foundation. Wal-Mart is the world's largest retailer, and the funding and activities of the Wal-Mart Foundation are significant.

The Wal-Mart Foundation operates a website found at www.walmartfoundation.org. A copy of representative pages of that website is attached as Exhibit 1. Your customer has registered www.walmart-foundation.org and has copied significant amounts of content and graphics from our client's websites. See Exhibit 2. For example, your customer's site exactly reproduces the graphics and content of the banner across the top of our client's home page, as well as the revolving banner at the bottom of the page featuring photographs and content. As you can see by comparing Exhibits 1 and 2, each phase of the scrolling banner, entitled DOING, GIVING and HELPING, and the photographs in those banners, are exactly copied by your customer's website.

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We hereby request that you immediately take action to disable public access to www.walmart-foundation.org. This request is made pursuant to the Digital Millennium Copyright Act (17 U.S.C. §512) to prevent further harm to Wal-Mart's copyright protected works.

This letter is sent to you as the ISP/web host(s) of this unauthorized material. According to WHOIS, the registrant's identity is:

Daniel Peterson
5091 Tobar Street
Philadelphia
Pennsylvania
19131
Phone:+1.4124014412

As required by 17 U.S.C. §512(c)(3), I hereby declare that I am the authorized agent of the copyright owner, Wal-Mart Stores, Inc. I have the good faith belief that use of these materials in the manner complained of is not authorized by the copyright owner, any agent or the law. The information in this notification is accurate. Under the penalties of perjury, I am authorized to act on behalf of Wal-Mart Stores, Inc., the owner of the copyright. Your immediate attention to this matter is requested.

If you have any questions, please feel free to contact me.

Sincerely yours,



Janet F. Satterthwaite.
*On behalf of the copyright owner,
Wal-Mart Stores, Inc.*

cc: Wal-Mart Stores Inc.

Enclosures

EXHIBIT 1

Giving Helping Doing

WAL-MART good WORKS.

We're committed to the communities we serve. We live here, too. And we believe good, works.

WAL-MART **SAM'S CLUB**

Environment | Children | Community | Education | About Wal-Mart Good.Works | What We Fund | About Wal-Mart | Walmart.com

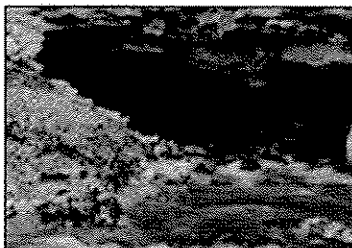
Current Events



2005 Sam Walton Community Scholarship

2005 Wal-Mart Scholarships. Winners to be announced in May.

[See More](#)



Wal-Mart Pledges One Acre for Every Acre Developed

Partners with the National Fish and Wildlife Foundation on Land Conservation Program

[See More](#)

Recent Good.Works. News

Water Bottles Produced For Donation

The Wal-Mart "Donated Water" label and program is one of the latest efforts to support our military.

[More...](#)

Total Charitable Giving for 2004 Exceeded \$170M

Largest Corporate Cash Giving Foundation in U.S. Focuses on Local Giving, Children and Community Efforts.

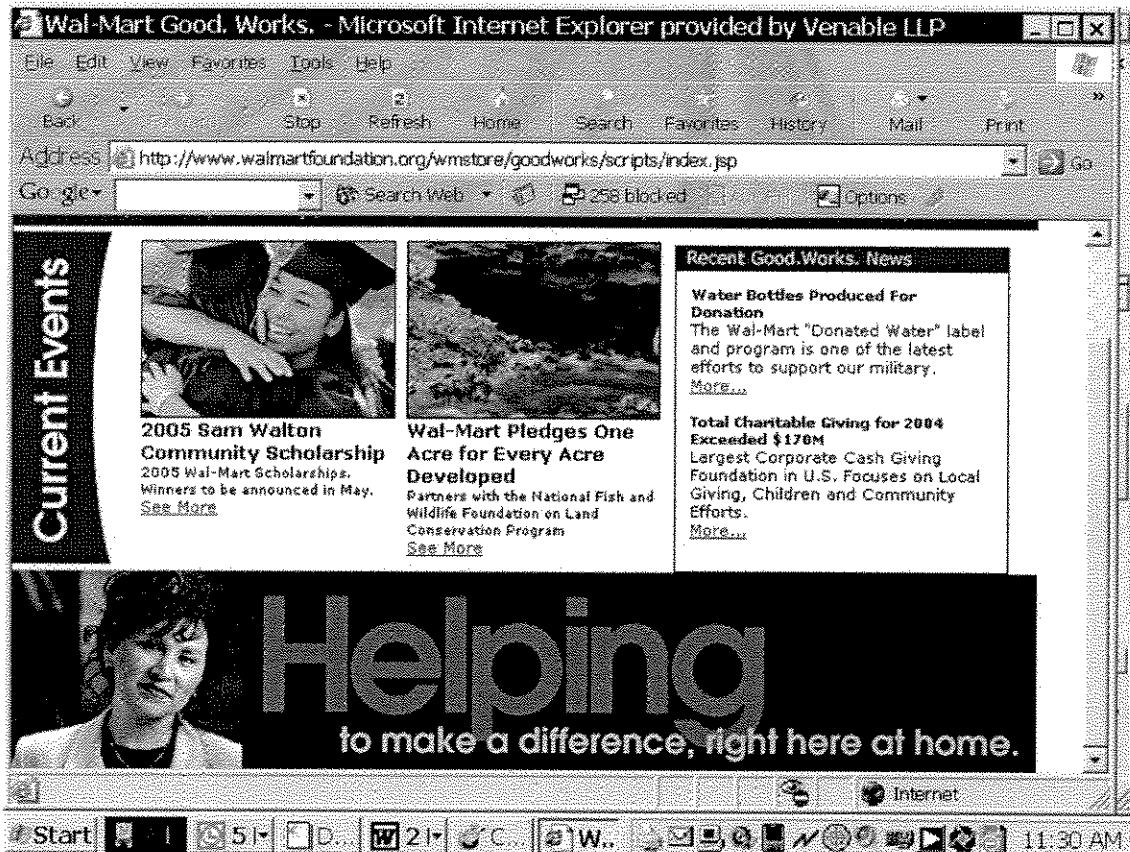
[More...](#)



Doing

the good things neighbors do.





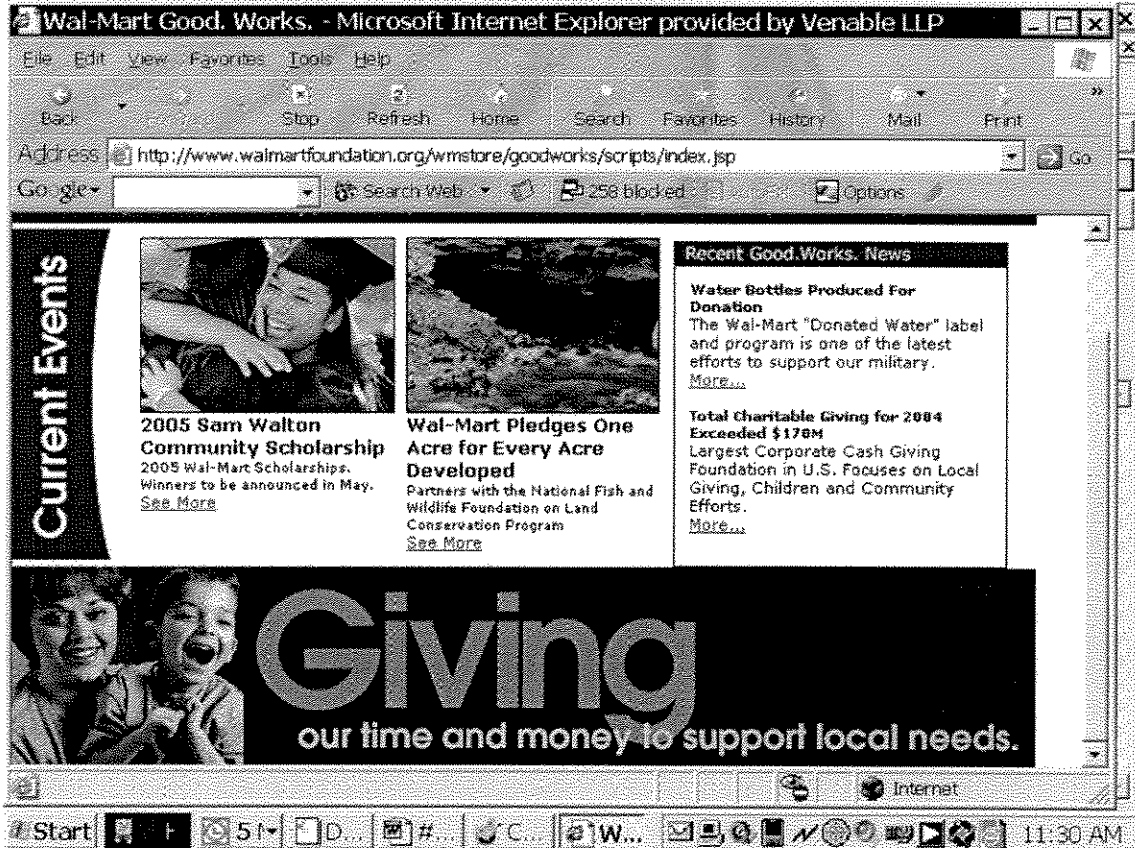


EXHIBIT 2

Giving Helping Doing **WAL-MART good. WORKS.** *We're committed to the communities we serve. We live here, too. And we believe good, works.* **WAL-MART** **SAM'S CLUB**

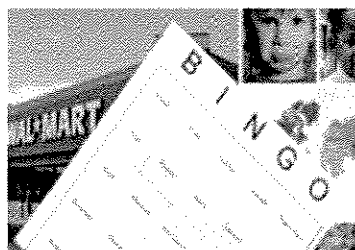
Environment | Children | Community | Education | About Wal-Mart Good.Works | What We Fund | About Wal-Mart | Walmart.com

Current Events



Community brought together by Wal-Mart

Wal-Mart works hard to unite communities throughout America.
[See More](#)



Diversity of Labor Bingo Promo

Save big and learn at the same time. Participating stores only.
[See More](#)

Recent Good.Works. News

Wal-Mart Hires new Community Education Officer

The Wal-Mart Foundation is pleased to announce the hiring of Daniel Peterson as part of its commitment to community education.

[More...](#)

Total Charitable Giving for 2004 Exceeded \$170M

Largest Corporate Cash Giving Foundation in U.S. Focuses on Local Giving, Children and Community Efforts.

[More...](#)



Doing

the good things neighbors do.



