

# Collier Shannon Scott

**Collier Shannon Scott, PLLC**  
Washington Harbour, Suite 400  
3050 K Street, NW  
Washington, DC 20007  
202.342.8400 TEL  
202.342.8451 FAX

James M. Pacious  
Associate  
202.342.8497  
JPacious@colliershannon.com

May 10, 2002

## **VIA FIRST-CLASS MAIL AND E-MAIL**

Ms. Susanna Perkins  
Backstreet Publishing  
127 W. Fairbanks Avenue, #409  
Winter Park, Florida 32789

### **Re: Complaint regarding "MLMSURVIVOR.COM"**

Dear Ms. Perkins:

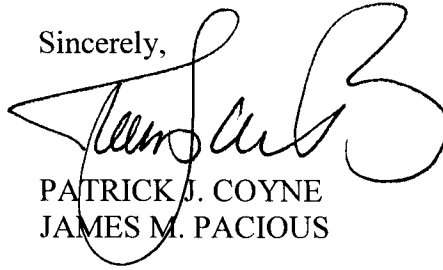
On behalf of XO Communications ("XO"), I am writing to notify you of a complaint XO recently received regarding the web site mlmsurvivor.com. Enclosed is a copy of the complaint from Mr. Michael L. Wachtell. As your Internet Service Provider, we value your business and look forward to continuing to serve you. However, these allegations are very serious and cannot be ignored.

When you contracted with XO for services, you agreed to abide by the terms of the Acceptable Use Policy ("AUP") contained in your Service Agreement. For your convenience, I have attached a copy of that Policy. In his complaint, Mr. Wachtell alleges that popular search engines are being manipulated to direct readers to your web site and that metatags are being used that infringe Trek Alliance, Inc.'s ("Trek") intellectual property rights. Mr. Wachtell also alleges that your postings are "intentionally disparaging" and "libelous" and "violate personal privacy rights". If you are using Trek trademarks, copyrights or other intellectual property in metatags to direct readers to your site, this could constitute infringement. Additionally, if the postings you have made regarding Trek are not true, they could be found libelous. Infringement, libel and the violation of personal privacy rights are plain, and very serious, violations of your Service Agreement with XO, as well as the XO AUP.

Page 2

Please provide us within five (5) days of the date of this letter substantiation for every allegation regarding Trek Alliance, Inc. and other persons mentioned in your postings on your site. If we do not receive a response from you within five (5) days, we will be forced to disable your site.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick J. Coyne" and "James M. Pacious", written over the typed names below.

PATRICK J. COYNE  
JAMES M. PACIOUS

Encs.