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March 8, 2013

VIA CERTIFIED MAIL - RECEIPT REQUESTED

**CPBR PROPRIETARY & CONFIDENTIAL
NOT FOR PUBLIC RELEASE**

Mr. Colin B. Purrington
226 Rutgers Avenue
Swarthmore, PA 19081

Re: Cease & Desist All Copyright Infringement

Dear Mr. Purrington:

This law firm represents the Consortium for Plant Biotechnology Research, Inc. ("CPBR"). If you are represented by legal counsel, please immediately direct this letter to your attorney and have your attorney notify us of such representation.

We are writing to you regarding information CPBR recently received that leads it to conclude you and/or your company have infringed and are continuing to infringe CPBR's copyrighted material. Accordingly, you are hereby directed to immediately cease and desist all such infringement of CPBR's copyrighted works.

CPBR owns a copyright in a document titled "2014 Competition, Bioenergy and Biomass Conversion, From Plant-Based Research to Prototype Bio-Materials, Request for Preproposals, Submission Deadline: December 14, 2012." *See Request for Preproposals, attached as Attachment A.* Appendix 5 of CPBR's Request for Preproposals provides tailored instructions and suggestions to principal investigators who desire to present applied research topics at CPBR's Annual Symposium. *See id., Appendix 5.* The purpose of the Annual Symposium is to allow potential principal investigators to present their research topics and attract private sector support for their research. All CPBR research topics are competitively awarded and must be supported by private sector matching funds.

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CPBR's staff developed and drafted Appendix 5 in 2005, nearly eight (8) years ago. Since 2005, CPBR has continuously used its Appendix 5, under CPBR's copyright. At all times, CPBR has prominently displayed its copyright mark on its Request for Preproposals, including on Appendix 5. *See id. at passim.*

On February 26, 2013, CPBR first learned that you copied CPBR's copyrighted work. On that date, you sent an e-mail to a "Director Ferullo," at the e-mail address "dmca-notices@purdue.edu," and copied CPBR at: info@cpbr.org. The e-mail requests Purdue University delete certain text that you believe plagiarizes your written work, stating:

re:

<http://webs.purduecal.edu/sponsoredprograms/files/2012/10/CPBR-2014-RFP.pdf>

Would you be able to have somebody delete the above file today? I do not want my text or templates (or adaptations of my files) hosted elsewhere. Appendix 5, starting on page 22, is plagiarized from my page on poster design located at

<http://colinpurrington.com/tips/academic/posterdesign>

The first page of this PDF states that this document is not supposed to be placed (sic) on the internet. Is this because the authors of the PDF were aware of the plagiarism, and hoped to hide it from external eyes? I have several contacts at Purdue, and will ask them to follow up locally to make sure my content is purged.

If you can cover the shipping charges, I would be grateful if you to send me (sic) the head of the person who did this.

Thank you very much.

Sincerely,

Colin Purrington

<http://colinpurrington.com/>

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See e-mail from Colin Purrington to dcma-notices@purdue.edu, et. al., dated February 26, 2013 (the "Purrington E-mail"), attached hereto as Attachment B. The Purrington E-mail references Appendix 5, which is part of CPBR's copyrighted Request for Preproposal. The Purrington E-mail also references your website: <http://colinpurrington.com/tips/academic/posterdesign>. See "Designing conference posters", by Colin Purrington, undated ("Purrington Document"), attached as Attachment D. The Purrington Document hosted on your website purports to instruct readers on how to prepare and present conference posters, and unlawfully copies from CPBR's Appendix 5. While your e-mail asserts that Purdue has plagiarized material from your website, your Purrington Document unlawfully copies from CPBR's copyrighted work.

We have retained copies of your unlawful copies to preserve as evidence. Your actions constitute copyright infringement in violation of United States copyright laws. Under 17 U.S.C. 504, the consequences of copyright infringement include statutory damages of between \$750 and \$30,000 per work, at the discretion of the court, and damages of up to \$150,000 per work for willful infringement. If you continue to engage in copyright infringement after receiving this letter, your actions will be evidence of "willful infringement."

CPBR demands that you cease and desist all copyright infringement. In particular, CPBR demands that you stop creating, publishing, using, and promoting your infringing work -- the Purrington Document. The infringement damages CPBR, and if the infringement continues, CPBR reserves the right to exercise all of its legal rights, including legal action to stop the infringement and seek legal damages the Copyright statute provides. In addition, you disseminated your e-mail to some of CPBR's members. CPBR further reserves the right to seek additional damages for any harm to CPBR's considerable reputation and tortious interference with CPBR's membership.

CPBR demands a response from you no later than ten (10) days from receipt of this letter, certifying in the form attached that you have read and fully understand this letter, and that you will cease and desist your unlawful copying of information from CPBR's Request for Preproposals, including Appendix 5. If you do not comply with this cease and desist demand within this time period, CPBR is entitled to use your failure to comply as evidence of "willful infringement" and seek monetary damages and equitable relief for your copyright infringement. While CPBR awaits your response, it is going to pursue registration of its copyright, in anticipation of litigation.

In the event you fail to meet this demand within the time period, please be advised that CPBR has asked us to communicate to you that it will contemplate pursuing all

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available legal remedies, including seeking monetary damages, injunctive relief, and an order that you pay court costs and attorney's fees.

Finally, I wish to express CPBR's concern with your statement in the Purrington E-mail: "I would be grateful if you to send me (sic) the head of the person who did this." This language was interpreted by CPBR's staff as a physical threat against their personal safety. Should you make any further similar threats, CPBR staff will have no choice but to contact authorities to protect themselves.

If you or your attorney have any questions, please contact me directly.

Sincerely,

ARNOLD & PORTER LLP


David P. Metzger

Enclosures

Attachment A - CPBR Request for Preproposals

Attachment B - Purrington E-mail

Attachment C - Purrington Document ("Designing Conference Posters")