



NATIONAL SHOOTING SPORTS FOUNDATION, INC.

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October 8, 2008

LAWRENCE G. KEANE
SENIOR VICE PRESIDENT &
GENERAL COUNSEL

VIA OVERNIGHT MAIL AND E-MAIL

Obama for America
c/o Indiana for Change
One North Capital Avenue
Indianapolis, IN 46204

Robert F. Bauer, Esq.
General Counsel
Obama for America
P.O. Box 8210
Chicago, IL 60680

Re: **Misappropriation and Unauthorized Use of the NSSF's Proprietary SHOT Show Media List**

To Whom It May Concern:

On behalf of my client, the National Shooting Sports Foundation, Inc. ("the NSSF"), I am writing to demand that you immediately cease and desist from further misappropriation and unauthorized use of NSSF's proprietary distribution list, especially for the purpose of disseminating partisan campaign material.

The NSSF is the trade association for the firearms, ammunition, hunting, and shooting sports industry. Formed in 1961, the NSSF is a Connecticut non-profit tax-exempt corporation with a membership of approximately 4,500 firearms and ammunition manufacturers, distributors, and retailers; sportsmen's organizations; shooting ranges; gun clubs; publishers; and individuals. The NSSF provides trusted leadership in addressing industry challenges; advances participation in and understanding of hunting and the shooting sports; reaffirms and strengthens its members' commitment to the safe and responsible use of their products; and promotes a political environment that is supportive of America's traditional hunting heritage and firearms freedoms.

The NSSF owns and sponsors the Shooting, Hunting and Outdoor Trade (SHOT) Show, our industry's annual trade show. SHOT Show[®] is the largest show of its kind in the world and the 23rd largest trade show in North America. NSSF compiles a proprietary list of members of the media that attend the SHOT Show, including names, mailing and email addresses. The NSSF closely protects this proprietary list and does not permit any outside party to use it unless that outside party has first signed a List Rental Agreement, a copy of which is attached. As you can see, in the List Rental Agreement NSSF grants to the purchaser a limited, non-exclusive and non-transferable license to use the Information for one-time use only and that NSSF retains all ownership rights (including copyrights and other intellectual property rights) in the Information, in whatever form,

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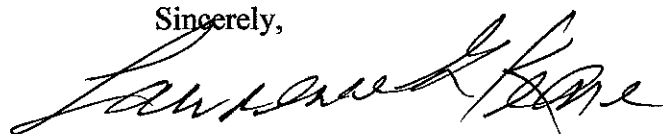
and the purchaser obtains only such rights as are explicitly granted in the agreement. The SHOT Show media list can only be obtained directly from NSSF and subject to a List Rental Agreement.

On September 27, 2008, "Indiana for Change," on behalf of Obama for America, unlawfully obtained and made unauthorized use of NSSF's proprietary SHOT Show media list for 2008 to distribute a press release from Senator Obama (Obama for America) entitled "Statement from Barack Obama on National Hunting and Fishing Day."¹ A copy of an email distributing Senator Obama's press release is attached. The NSSF's proprietary SHOT Show media list for 2008 was attached to the Indiana for Change email in an excel spreadsheet entitled "Sport Hunt medialist2008". The NSSF list is provided in an excel spreadsheet format. We have compared our list to the list attached to the Obama for America email and confirmed that they are the same, right down to the tabs on spreadsheet which say 08 SHOT_USA and 08 SHOT_Foreign. Neither Obama for America nor Indiana for Change purchased from NSSF the rights to use its property.

It is obvious that Obama for America through its Indiana for Change arm has violated NSSF's legal rights and caused NSSF damages for partisan political gain.

Accordingly, NSSF demands that Obama for America immediately i) cease and desist from any further unauthorized use of NSSF's proprietary SHOT Show media list; ii) destroy any and all copies (and/or portions thereof) currently in your possession, including any electronically stored copies; identify to NSSF the person and/or entities that provided you the SHOT Show media list; and iii) pay damages to NSSF in the amount of \$250,000. Please confirm for me that you will comply with this request and, once you have complied, that you have done so. Should you fail to do so, the NSSF will pursue all its legal rights to stop future intellectual property rights violations and to recover monetary damages for the harm Obama for America has already inflicted upon NSSF. We look forward to an immediate response from your organization.

Sincerely,



Lawrence G. Keane

LGK/mas

Encls.

CC: Sen. Barak H. Obama (via facsimile)

¹ The NSSF has long been closely associated with National Hunting and Fishing Day. Senator Obama's assertions in the press release concerning issues important to sportsmen and gun owners are inconsistent with his record in the Illinois state Senate and the United States Senate. It is notable that Sen. Obama has refused to respond to my letter of July 4th asking him to clarify his position on the City of Chicago's ban on handguns in light of the United States Supreme Court's *Heller* decision striking down the District of Columbia's ban on handguns as a violation of the Second Amendment and the Senator's own earlier statement that District of Columbia's ban was in his view constitutional. I have enclosed a copy of my letter should the Senator desire to respond before Election Day.