



**SETTLEMENT COMMUNICATIONS
NOT ADMISSIBLE EVIDENCE**

October 24, 2011

SENT VIA EMAIL

Timothy M. Kenny, Esq.
Fulbright and Jaworski, LLP
2100 IDS Center
80 South Eighth Street
Minneapolis, MN 55402-2112

Mr. Kenny:

This letter is in response to your cease and desist letter dated October 13, 2011. Your main argument is that our domain name and website are confusingly similar to the Minnesota Lawyer magazine, so your client demands that we cease use of the domain name and website.

As you observed, the MINNESOTALAWYER.COM domain name and the website's title ("Minnesota Lawyer") describe me (and occasionally other lawyers associated with our firm). I am featured throughout the website. Our firm's contact information is also prominently displayed throughout the website. The website states expressly that it is advertising for our law practice. The website has no advertising for other companies, does not purport to be a magazine, and does not compete with the Minnesota Lawyer magazine in any way: the Minnesota Lawyer magazine does not provide professional legal services, and our firm receives no funds from advertisers. The site generates no revenue except for revenue generated by clients who retain our firm after finding us on the website. It is noteworthy that we have never been contacted by any advertiser or person who confused us with the Minnesota Lawyer magazine.

You raise an argument about the title of the site being "Minnesota Lawyer" instead of "Minnesota lawyer." Titles are generally capitalized, which explains why "Minnesota Lawyer" is capitalized in the title.

You raise an argument about the copyright notice in the footer of the site. This site has existed for over a year, and has always attributed copyright to me. However, in the past week or so, the site has been under re-development. Apparently, for a few days or less, the site temporarily had the default copyright notice embedded in the website software, which included the copyright notice and inserted the site's title next to it. Immediately upon noticing this and *before receiving your letter*, I emailed the web designer to change this to indicate that the copyright is owned by me. This has been changed.

You raise an argument that I am using the site as “a legal blog, publication or article aggregator, which is highly similar to the services offered by Dolan.” As you know, having a blog does not put us in competition with Dolan’s Minnesota Lawyer magazine. There is nothing improper about a Minnesota lawyer publishing blog posts and blog articles on the law firm’s site. Again, Dolan sells advertising in a subscription magazine while we sell professional legal services, and articles on our website demonstrate our knowledge of legal topics in our practice areas.

As a sign of good faith, our firm’s web designer has made a number of changes to the website to further avoid any potential confusion. In addition, this statement now appears at the bottom of every page: This site is not affiliated with the Minnesota Lawyer magazine.

I have no intention of this website causing any confusion with the Minnesota Lawyer magazine, and I would be open to discussing with you and your client additional changes to the website that we mutually agree will address any concerns that may remain.

I look forward to your response. If I do not hear from you, I will trust that this matter is resolved.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron D. Hall". The signature is fluid and cursive, with the first name "Aaron" being more prominent than the last name "D. Hall".

Aaron D. Hall
612-466-0040
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ADH/aks