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August 20, 2008

VIA EMAIL

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Re: PTA Trademark Issues

Dear Jon:

I have reviewed with the PTO Today organization your letter of July 23, 2008. PTO Today respectfully disagrees that its references to PTA are inappropriate or misleading. It uses the PTA mark to refer to PTA, not to PTO. PTO's website explains the difference between PTO and PTA in great detail.

PTO Today is committed to maintaining high ethical and business standards. It would not intentionally mislead anyone concerning its identity, or the issue of a sponsorship or affiliation between PTO and PTA. This letter has four purposes. First, it outlines PTO Today's current thinking on this issue, namely that its publications and communications are truthful and not misleading. Second, despite PTO Today's sincere belief that there is little or no risk of confusion, it provides constructive suggestions to alleviate PTA's concerns by emphasizing even more strongly that PTO Today has no affiliation with PTA. Third, it expresses concern about an email that [REDACTED] of PTA sent [REDACTED] of [REDACTED] regarding the recent announcement of a program to raise awareness of Internet safety issues. Fourth, it invites your comments on behalf of PTA with a view to promoting a constructive resolution.

Summary Of PTO Today's Position: PTO Today offers a broad array of products, services, opportunities and publications (including electronic communications) to *all* parent teacher organizations, *including PTAs*. PTAs and their individual members are consumers of these services. Many of PTO Today's publications include advertising or promotions from organizations that want to reach all parent teacher organizations, regardless of affiliation. PTO Today's website truthfully represents to advertisers and sponsors that PTO Today

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MIRICK O'CONNELL

Jonathan P. Froemel, Esq.
August 20, 2008
Page 2

communications reach all parent teacher organizations, including PTAs. This enables advertisers and sponsors to make informed choices.

Naturally, some of PTO Today's offerings compete with those of PTA. Potential consumers of the competing services (including various parent teacher organizations, their members and advertisers who want to reach them) have a legitimate interest in making comparisons. Comparative advertising is in the public interest, as long as it is not misleading. Without comparative advertising (including advertising that specifically identifies the competitor) consumers are deprived of the ability to make informed choices.

It is perfectly appropriate to inform advertisers and other interested parties of the extent to which PTO Today media reach members of PTAs as well as other PTOs. PTO Today believes that its references to PTA, in the context of comparative advertising, are respectful and accurate. If there have been any inadvertent errors, please call them to my attention. PTO Today will gladly address them.

PTO Today is not aware of *any* actual confusion among the consumers concerning the source, sponsorship or origin of its services and products. If PTA can cite examples of actual confusion, it should provide that information. PTO Today would take that information very seriously, and would promptly address the situation.

At the risk of injecting a technical legal consideration, PTO Today believes that PTA has allowed the term PTA to become generic and descriptive of any parent teacher organization, not just the PTA organization. For example, virtually all New York City public schools use the PTA acronym even though they are (to the best of PTO Today's knowledge) unaffiliated with either the national or the New York state PTA organization. PTO Today reaches the "unofficial" New York PTAs, as well as the authorized PTAs that are formally part of the PTA organization.

PTO Today believes that PTA has been aware of the New York PTA situation for decades, and has failed to enforce its trademark rights against these organizations. The resulting history of use by unauthorized organizations, over a period of many years, potentially compromises PTA's trademark registrations.

Summary Of PTO Today's Proposals To Alleviate PTA Concerns: Your July 23, 2008 demand letter focused on two pages in PTO Today's website describing the scope of PTO Today's communications. Without retreating from what I have already said, PTO Today proposes the following changes that it believes will diminish the already remote and hypothetical possibility that any reader might perceive an affiliation or sponsorship between PTO Today and the PTA organization:



MIRICK O'CONNELL

Jonathan P. Froemel, Esq.

August 20, 2008

Page 3

1. PTO Today will stop using the "PTOs/PTAs" construction, and instead use the phrase "PTOs and PTAs," or perhaps "PTOs and/or PTAs." This should reinforce the message that PTO is not synonymous with PTA, but that PTA is a distinct organization.

2. PTO Today disagrees that the phrase "direct connection" as it appears on the website implies a sponsorship. Nevertheless, it will consider alternative ways to express the same thought such as "your comprehensive connection to the leaders of America's 83,000 K-8 PTOs and PTAs" or "your best solution for reaching all 83,000 K-8 PTOs and PTAs nationwide."

3. PTO Today will consider using the word "local" with "PTOs" and "PTAs" in an effort to distinguish individual members and local organizations from PTA's national organization. The word "local" will not be included in every reference, but the references will help distinguish the national PTA organization.

4. PTO Today will consider replacing the phrase "PTO, PTA, PTC, HSA, no matter the acronym . . . PTO Today reaches 100% of the market – 83,000 plus K-8 schools" with something like: "PTOs, PTAs, PTCs, HSAs – many acronyms, but only PTO Today reaches 100% of the market, all 83,000 K-8 school parent groups."

5. PTO Today will consider using reasonable disclaimers that it is not affiliated with PTA, and that PTA is a separate organization – albeit an organization within the universe of PTOs to which PTO Today offers products, services, opportunities and publications.

PTA's Recent Communications To [REDACTED] At approximately 9:05 a.m. on Monday morning, [REDACTED] of PTA sent an email message to [REDACTED] asserting "misuse of PTA's name and affiliation to PTO" in [REDACTED] announcement of an Internet safety awareness program. It purported to confirm [REDACTED] "willingness to ensure that PTA will no longer be listed as a partner" of [REDACTED] campaign to promote awareness of Internet Safety Education. It attached an unfinished draft of the letter you had sent to PTO Today on July 23, 2008.

The tone of [REDACTED] message was at least intimidating, if not threatening. It reflects a misguided and inaccurate reading of the announcement in question. The announcement states:

Through this partnership [with School Family Media], [REDACTED] will reach thousands of parent teacher organization (PTO) and parent teacher association (PTA) groups across the country to deliver educational messages and resources dedicated to raising awareness of Internet safety – just in time for the new school year.

[REDACTED]

MIRICK O'CONNELL

Jonathan P. Froemel, Esq.
August 20, 2008
Page 4

In the immediately preceding sentence, School Family Media (PTO Today's parent organization) is identified as "a leading resource for parent teacher groups in the United States." Both of the statements in the announcement are perfectly true. Neither one implies that PTA is a member of the partnership. They only convey that the Internet safety awareness campaign will reach PTO groups across the country, including PTAs.

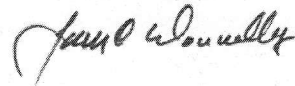
[REDACTED] message goes on to suggest that [REDACTED] consider partnership opportunities with PTA instead of School Family Media. The motive is transparent. PTA would like to displace School Family Media as the sponsor of the Internet safety awareness program because of perceived revenue generating opportunities.

PTA is free to try to persuade [REDACTED] or any other potential sponsor or advertiser that it would be an attractive business partner, but it should do so in the context of free and open competition with accurate information. [REDACTED] thinly disguised threats are an improper attempt to profit by intimidation. PTO Today hopes that communications of this type will not be repeated in the future, and reserves its rights if such communications cause damage.

Request For Constructive Dialog: PTO Today welcomes your thoughts on whether changes of this type proposed above would make a constructive difference. PTO Today is prepared to offer reasonable accommodation. However, "reasonable accommodation" does not mean refraining from truthful comparative advertising. If PTO Today's communications reach all parent teacher organizations regardless of affiliation, including PTAs as well as other PTOs, consumers are entitled to know that information. The changes would be prospective. PTO Today does not think it is appropriate or necessary to destroy any existing materials. It will simply use best efforts to implement any change that is agreed on.

I look forward to receiving your comments.

Very truly yours,



James C. Donnelly, Jr.

JCD/III

cc: Tim Sullivan
Jeffrey E. Swaim, Esq.
Kathryn V. Chelini, Esq.

[REDACTED]