



Arent Fox Kintner Plotkin & Kahn, PLLC
1050 Connecticut Avenue, NW
Washington, DC 20036-5339
Phone 202/857-6000
Fax 202/857-6395
www.arentfox.com

Jason J. Mazur
202/715-8409
mazurj@arentfox.com

Admitted in Maryland Only
Supervised by Principals of the Firm

March 6, 2003

VIA FIRST-CLASS MAIL

University of North Carolina
Campus Box 3456
Chapel Hill, NC 27599-3456

RE: Use of mark INSTANT MESSENGER (our File #6673)

Dear Sir or Madam:

We represent America Online, Inc. ("AOL") and its affiliates, with respect to intellectual property matters. Our client owns the marks **INSTANT MESSENGER** and **AOL INSTANT MESSENGER**. AOL has made extensive use of these marks in interstate and international commerce since at least as early as March 1997 in connection with our client's real-time communications service. Due to the widespread use, advertising, and extensive marketing, the marks **INSTANT MESSENGER** and **AOL INSTANT MESSENGER** have become famous, and customers and prospective customers recognize these marks as distinctive symbols of our client's goodwill.

It has come to our attention that the University of North Carolina is operating a Web site at "ibiblio.org" that uses our client's mark **INSTANT MESSENGER** in an improper manner. See, for example, <http://www.ibiblio.org/sinner/video/messenger_en.html>. We are concerned that the manner in which our client's mark is used may confuse consumers and lead them to believe that our client's mark is a generic term to define or describe a particular service or software. We recommend instead identifying the service as a "real-time communications service."

We hope that you appreciate AOL's interest in protecting its intellectual property and making sure that consumers are not misled or confused as to the source of any products or services offered by AOL, or any similar mark. Accordingly, we request that you no longer use our client's mark **INSTANT MESSENGER** to refer to real-time communications services generally or to refer to services not provided by AOL.



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Thank you in advance for your cooperation in this matter. Please contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason J. Mazur". The signature is written in a cursive style with a large, sweeping flourish at the end.

Jason J. Mazur