

SHOCKING TALES OF ASTONISHMENT!

Dateline: Monday, December 22nd, 2004

www.robot44.com goes live to the public for the first time.

Dateline: Monday, December 29th, 2004

I got a call from David around 10:00 AM. After brief small talk about my Thanksgiving, he proceeds to berate me for using web sites I did while at WhyStruggle?/ebeacon in my portfolio. I protested, as everything I had (screen capture, link, etc) was part of "Fair Use". Further more, I was just trying to show off the work that I did. I offered to make changes, reword the text, and clear up anything that was confusing. But he would have none of it, threatening to lawyer up if I didn't have it down today.

Well I said I would, more or less to buy time. Unlike David, I actually called a lawyer. Looking over my site he said I was 100% within my legal right, other than perhaps some small text changes, I was ok. But I did the safe route, took it all down, and just put up a resume that outlined the work I did and had a non-hot link to the site.

What pisses me off is I am unclear as to why David was all over me. I wasn't trying to rip WS/eb off. I wasn't trying to take credit for anything that *I* didn't do. I even offered to make changes. If I was a stranger, I could understand the anger. He knew me for nearly five years. You would think he would know me a bit more by then, and at least try to talk to me before getting all hostile. Especially since I was more than willing to work with him. Perhaps he didn't understand how the use of Robot 44 and Steve Novak is completely interchangeable. Robot 44 is a fictitious name of a soul proprietorship. Perhaps this did cause confusion and should have been changed. But someone wanted to "lawyer up" rather than talk about things. I guess all that talk of using me as a contractor in the future is gone now.

So I got my site to where it looked OK and that the lawyer said I was 200% OK. Of course David is too cheap to hire a lawyer, and writes me a letter the same day he called me. Well, I will let you read it to decide for yourself what's wrong with it. I am just glad its over and I never want to hear his voice again. Now I can concentrate on making new sites and within a year take out any references to sites I made pre-Robot 44.

- Mister.44



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Mr. Steve Novak
d/b/a Robot44
12606 E 49th Terr
Independence, MO 64055

November 29, 2004

Dear Mr. Novak,

It has come to our attention that you have misappropriated and misrepresented work done by Productivity Solutions, Inc. d/b/a WhyStruggle, d/b/a Ebeacon as your own and have displayed same on your web site at www.robot44.com. The copyright to these materials is owned by Productivity Solutions, Inc. and licensed to our respective clients. Your use of these images is unauthorized and fraudulent.

We demand that you immediately cease and desist in the usage of our copyrighted materials.

Your extended descriptions of the sites, strategic issues, goals, and results constitutes fraud by representing a larger scope of work as that of Robot44.

Further the combined use of text and images represents an attempt to portray a relationship between Robot44 and these companies that does not and has never existed. There is clear intent to deceive web site visitors through the use of these materials and their positioning as your "portfolio".

Finally, Robot44 asserts a claim on Omni and Fountain awards and recognition awarded to Productivity Solutions, Inc. d/b/a WhyStruggle, d/b/a Ebeacon. Robot44 has no such claim.

The offending content includes, but may not be limited to the following:

- ▶ Screen captures of our clients web sites including the following: 123grpr.com, capstop.com, alvegaard.com, chivasevents.com, home123furniture.com, kitchenshop.com, labconco.com, lindahall.com, pvkansas.com, rentinkc.com, shortline.com, topsypopcorn.com, zupreem.com.
- ▶ Descriptions of work performed for these and other clients.
- ▶ Descriptions of results, problems solved, or other characterizations of the design, development, marketing, and commerce aspects of the sites.
- ▶ Omni and Fountain awards awarded to Productivity Solutions, Inc. d/b/a WhyStruggle, d/b/a Ebeacon.

As you neither asked for nor received permission to use the Work as the basis for the portfolio of Robot44, nor to make or distribute copies, including electronic copies, of same, I believe you have willfully infringed our rights under 17 U.S.C. Section 101 et seq. and could be liable for statutory damages as high as \$150,000 as set forth in Section 504(c)(2) therein.

We demand that all offending materials immediately be removed from your web site (<http://www.robot44.com>), including any and all web-accessible directories and sub-pages (e.g. <http://www.robot44.com/portfolio/index.shtml>); printed sales or marketing materials; CD-ROM or other electronic media; and that you immediately cease and desist from representing any work done during your employment with Productivity Solutions, Inc., whether for the corporation itself, our clients, staff, or affiliates, as work performed by Robot44.

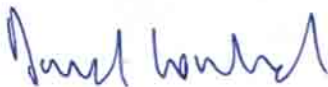
We have notified our clients of your unauthorized use of these materials. I expect you will hear directly from them, or their attorneys, regarding the use of their copyrighted materials and your characterizations of the work performed, results obtained, and your depiction of a relationship between themselves and Steve Novak d/b/a Robot44.

Your failure to comply with this request by Friday December 3, 2004 will result in our seeking relief through the courts. This may include immediate injunctive relief as well as pursuit of civil damages and/or criminal prosecution including investigation into the unauthorized use and release of confidential information.

I am hopeful that this matter can be resolved quickly and without involvement of the courts.

Regards,

Productivity Solutions, Inc.

A handwritten signature in blue ink, appearing to read "David Lowland".

David Lowland, President

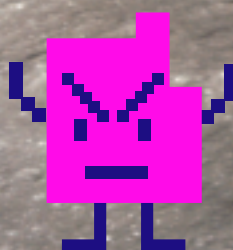
I HAVE BEEN ADVISED BY MY LAWYERS,
MOONITE, MOONITE, AND ROCK, TO IGNORE
THIS LETTER AND NOT REPLY. HOWEVER,
MY LAWYERS WISHED TO GIVE THEIR
LEGAL OPINION ON THE MATTER:

I HOPE HE CAN SEE THIS, BECAUSE
I'M DOING IT AS HARD AS I CAN!



IGNIGNOKT

ON THE MOON NERDS GET THEIR
PANTS PULLED DOWN AND THEY
ARE SPANKED WITH MOON ROCKS!



ERR

CHARACTERS OF IGNIGNOKT AND ERR ARE TRADEMARKED PROPERTY OF CARTOON NETWORK,
BUT I DON'T FUCKING CARE AND USED THEM ANYWAY BECAUSE I AM OBVIOUSLY A FUCKING
THIEF. IN FACT, I CREATED THESE TWO CHACTERS, "ADULTSWIM" ON CARTOON NETWORK, AND
THE INTERNET. MOON PHOTO PUBLIC DOMAIN BY NASA, WHICH I TOOK MYSELF.