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January 12, 2009

VIA ELECTRONIC MAILR. David Hosp, Esq.
Goodwin Procter LLP
Exchange Place
Boston, MA 02109Re: GateHouse Media Massachusetts I, Inc. v. The New York Times Co.
C.A. No.: 08-cv-12114-WGY

Dear Dave:

I write in response to your letter of Friday evening to Mike and me. We went over these issues at length with you on the phone earlier Friday afternoon as well.

As to the first issue addressed in the second paragraph of your letter, it is correct that GateHouse will not now rely on or make any claims based upon the allegations contained in paragraphs 43 or 44 of the Complaint that the Times intentionally circumvented the security measures GateHouse implemented on or about December 3, 2009. As discussed previously, that issue is removed from the case, given the Times' testimony to the effect that GateHouse content is and was at all relevant times being taken from GateHouse's Newton, Needham and Waltham RSS feeds, rather than by a means that would have been prevented by JavaScript code. To the extent that paragraph of your letter was meant to encompass any understanding beyond the foregoing, it is overbroad.

As to the second issue addressed in your letter, GateHouse has never maintained or alleged that the act of deep-linking *per se* – embedding the different URL on the webpage to effect the immediate jump from that page to an interior webpage of an individual article when a reader clicks on the “link” – is a basis by itself for any of its claims in this action. The second sentence of that paragraph describes many elements of the claims, but it is incomplete on this point to the extent it is meant to exclude the Times' particular practice of deep-linking to WickedLocal article pages, causing readers to by-pass the WickedLocal homepage, as part of the Times' actions and use of GateHouse content. First, your letter appears to equate the practice of linking with the Times' extensive, verbatim and unconsented-to copying of GateHouse's original

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news content on the Times' yourtown hyper-local sites, the basis of our client's copyright infringement claims. Moreover, the Times' practice at the very least furthers the likelihood of confusion. The Times' practice also exacerbates the damages from the various causes of action. In response to your call, Mike and I explained this to you on Friday, even though we believe it has been clear from the beginning. This is no basis to re-open Mr. Eck's deposition to ask questions about the advertising differences between the WickedLocal homepages and article pages.

Thank you.

Very truly yours,

/s/ Joseph Stanganelli

Joseph L. Stanganelli

JLS