

January 13, 2010

VIA E-MAIL JENNIFER@VIN.COM AND
VIA FEDERAL EXPRESS

Jennifer Fiala
VIN Reporter/Editor
Veterinary Information Network
777 W. Covell Blvd.
Davis, CA 95616

**Re: Misappropriation of American Veterinary Medical Association Council on
Education's Confidential Information**

Dear Ms. Fiala:

We represent the American Veterinary Medical Association ("AVMA"). We have been advised that you may be in possession of confidential and proprietary information of the AVMA Council on Education ("COE"). We understand that this information includes a significant number of pages of internal COE documents or other material.

Information and documentation relating to the operations, policies, meetings and management of the COE are its proprietary assets. Retaining confidentiality of this information ensures the integrity and objectivity of the accreditation process, which is critical to COE's ongoing success and continuing operations. To safeguard the confidentiality of this information, the COE has adopted and enforces a strict policy on confidentiality. See Policy 6. Confidentiality, Accreditation Policies and Procedures of the AVMA COE, April, 2009, revised October 30, 2009. The policy requires that all "who participate in COE activities, including but not limited to elected COE members, non-COE site team members, appropriate AVMA staff, and the Executive Board observer on the COE, must maintain the confidentiality of non-public information relating to accreditation and veterinary education." This policy further provides that "[a]ll discussions, observations, and documents associated with site visits and accreditation decisions are confidential to the COE and should not be discussed with anyone other than elected COE members, appropriate AVMA staff, the Executive Board and AAVMC observers of the COE, and non-COE site team members when necessary." It is our understanding the documents and information that you currently possess, or have access to, comprise highly-confidential, non-public information that is restricted under COE's policy.

The unauthorized acquisition or the disclosure of COE's confidential information constitutes misappropriation of trade secrets, which can result in a judgment awarded against a violator of significant money damages and injunctive relief. More specifically, misappropriation of a trade secret includes (1) the acquisition of a trade secret by a person who knows or has reason to know that the trade secret was acquired by improper means; or (2) the disclosure or use

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of a trade secret without consent, by a person who knows or has reason to know that the trade secret was derived from a person who improperly acquired it. *See, e.g.* California Uniform Trade Secret Act, §3426 et. al, and Illinois Trade Secret Act, 765 ILCS, §1065/1 et al. It appears that you have acquired COE's confidential information from a member or other individual who either used improper means to acquire it or is under a duty not to disclose it. Accordingly, any disclosure, use or reporting of this information would constitute a misappropriation of trade secrets under state law.

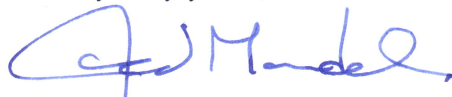
In addition, we believe that some of the documents that you possess may be the copyrighted works of the AVMA, which has the exclusive right to reproduce, distribute, or display the documents publicly. Copyright Act, 17 U.S.C. §106. Accordingly, your unauthorized reproduction, distribution or public display of any of these materials would also constitute federal copyright infringement.

Misappropriation of COE's trade secrets or infringement of AVMA's copyrights would subject you to entry of (1) an injunction against you, (2) an award of damages for the actual loss caused by the misappropriation and any unjust enrichment received as a result of the misappropriation, and (3) possibly the award of exemplary damages.

Accordingly, we demand that you cease and desist and otherwise refrain from any disclosure or use of this information and immediately return to me all copies of the COE and AVMA documents and information in your possession or control.

While your prompt attention and response to this matter will help avoid unnecessary acrimony and dispute, we note that this matter has just been brought to our attention and we are continuing to evaluate all of COE's and AVMA's options.

Very truly yours,



Jed R. Mandel

JRM/amt

cc: Paul D. Pion, DVM, DACVIM (Cardiology)
David E. Granstrom, DVM, PhD, Director, Education and Research
Isham R. Jones, III, AVMA General Counsel