

April 9, 2008

Logan Craft
Chairman
Premise Media Corporation
Suite K
1850 Old Pecos Trail
Santa Fe, New Mexico 87505

Re: Copyright infringement in "Expelled: No Intelligence Allowed"

Dear Mr. Craft:

This letter will constitute notice to you, as Chairman of Premise Media Corporation, of the copyright infringement by your corporation, and its subsidiary, Rampant Films, of material produced by XVIVO LLC, in which XVIVO holds a copyright.

It has come to our attention that Premise Media and Rampant Films has produced a film entitled "Expelled: No Intelligence Allowed," which is scheduled for commercial release and distribution on April 18, 2008. To our knowledge, this film includes a segment depicting biological cellular activity that was copied by computer-generated means from a video entitled "The Inner Life of a Cell." XVIVO holds the copyright to all the models, processes, and depictions in this video, and has not authorized Premise Media or Rampant Films to make any use of this material.

We have obtained promotional material for the "Expelled" film, presented on a DVD, which clearly shows in the "cell segment" the virtually identical depiction of material from the "Inner Life" video. Among the infringed scenes, we particularly refer to the segment of the "Expelled" film purporting to show the "walking" models of kinesic activities in cellular mechanisms. The segments depicting these models in your film are clearly based upon, and copied from, material in the "Inner Life" video.

We have been advised by counsel that this segment in your film constitutes an actionable infringement of XVIVO's intellectual property rights, as protected by federal statutes, including Section 106 of the Copyright Act, the Visual Artists Rights Act of 1990, and the Digital Millennium Copyright Act of 1998. Each of these statutes provides for judicial enforcement of their provisions, with substantial civil penalties for their infringement.

We have also obtained legal advice that your copying, in virtually identical form, of material in the "inner Life" video clearly meets the legal test of "substantial similarity" between the copied work and our original work.

This letter will also serve as notice to you that XVIVO intends to vigorously and promptly pursue its legal remedies for your copyright infringement, unless and until Premise Media, Rampant Films, and their officers, employees, and agents comply with the following demands:

- 1) That Premise Media, Rampant Films, and its officers, employees, and agents remove the infringing segment from all copies of the "Expelled" film prior to its scheduled commercial release on or before April 18, 2008;
- 2) That all copies of the "Inner Life" video in your possession or under your control be returned to XVIVO;
- 3) That Premise Media notify XVIVO, on or before April 18, 2008, of its compliance with the above demands.

We have been advised, by a telephone conversation with Mellie Bracewell of Premise Media on April 8, 2008, that an e-mail transmission of this letter to her will be promptly forwarded to you. A hard copy of this letter, on XVIVO stationery, will also be sent to you today by express delivery.

We are sure that you will want to avoid legal action in this matter, and urge you to promptly notify us of your compliance with the above demands. You may do so by return e-mail, directed to @ xvivo.net or @ xv ivo.net, followed by a hard-copied letter indicating your compliance with the above demands.

Sincerely,

David Bolinsky
Partner and Medical Director
XVIVO LLC

Michael Astrachan
Partner and Creative Director
XVIVO LLC

Cc: Peter Irons, Esq.
Attorney at Law
2551 North Valley Road
Greenville CA 95947