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An Open Letter to Members of the National Association of Realtors

I am writing this because I think Our Association, The National Association of Realtors, has made a serious mistake, that has disserved more than a million real estate agents across the United States who are members of NAR. Worse, it has potentially hurt people who have bought or sold properties across the United States. So far in my research the NAR has been unwilling to admit its error. It is apparently unwilling to do anything about it, including disclosing anything about the problem to its members, which I think others will find as disturbing as I did. I have decided to do my part to help right the wrong. I call upon all agents to do the same.

For over 20 years, I have been a successful real estate agent in California. I have long been a dues paying member of NAR. Since March of this year, I have been a named defendant in a case brought against NAR and others by an inventor of what may be pioneering real estate mapping technology.

Evidently, in the late 1990s, when NAR was setting up Realtor.com with HomeStore, they became aware of 1989 and 1991 patents that cover the use of zoomable maps of real estate listings. Rather than dealing with the inventor fairly, attempting to establish a reasonable licensing fee for the technology, NAR disregarded the patents and just used the technology. Since that time, most members' listings, and many of mine, have appeared on Realtor.com by way of their MLS, and Realtor.com has continued to use zoomable maps. That is why I was sued by the patent holder. I was sued individually and as a representative of a claimed class of all agents who have used the zooming methodology. Brokers, MLSs, Realtor.com, NAR and numerous others are also now the subject of the patent infringement law suit, which is pending in Los Angeles.

I have chosen to settle the claims by the patent holder and, as part of that, pay the patent holder a measure of what it would take to compensate the patent holder for my use of the technologies, including the value to me of mapping technologies over the last few years. I am disappointed that NAR would use my listings in ways that were potentially infringing on someone's patents without at least letting its members know that there was

a possible issue looming that could cause its members harm. I think we should be trying to do the right thing and pay those who have helped form the groundwork for our internet business fair compensation for their added value.

I also have learned something else directly related to this that the agent community should know. It turns out that NAR has spent millions of our dues dollars in the past three years to fight the inventor. I don't know about you, but that's not the way I do business. Presumably the inventor got his patents, which the law presumes to be valid. He has evidently been trying to offer a fair deal to our industry since the mid-1990s. I think its time to negotiate in good faith for appropriate licensing fees for this technology for the time it was being used and move on.

I am demanding reimbursement from NAR for the amount I'm paying the patent holder. But whether or not NAR does right by me, I hope you'll join me in urging NAR to stop its attempts to destroy this inventor by trying to spend him to death, to pay what they may rightfully owe him, and certainly to stop spending our money wastefully without our full knowledge if not our full agreement.

Sincerely,

A handwritten signature in black ink, appearing to be 'Robert Freedman', with a long horizontal stroke extending to the right.

Robert Freedman