



Ref: [REDACTED]

February 17, 2006

Dear M. [REDACTED]

We are writing as a courtesy to let you know that we have received written notification from one or more copyright owners (or their agents) claiming that their work has been transmitted over the Internet from your account without their permission. Copyright owners may include motion picture studios, the recording industry or others who produce or distribute legally protected material. (Please see enclosed notice(s)). We are concerned that either you, or another person with access to your account, may be unknowingly participating in certain file sharing or server-related activities that led to this complaint.

As you may recall, the Adelphia Terms of Service posted at <http://www.adelphia.com/esafety> require compliance with all applicable laws and specifically prohibits the use of the Adelphia system for copyright infringement. Specifically, section 1A subsection (ii) of the Adelphia Internet Acceptable Use Policy ("AUP") states:

"(a) You agree not to use the Power Link Service or any Equipment or Software provided by Adelphia: (ii) to post or transmit any information or material that: infringes any person's copyright, trademark, trade secret, patent or other proprietary rights; is defamatory, libelous, offensive, threatening, abusive, pornographic, sexually explicit, profane, or otherwise is unacceptable or inappropriate in Adelphia's sole discretion; constitutes or encourages conduct that would constitute a criminal offense, gives rise to civil liability or otherwise would violate the law; or contains a virus or other harmful component; or is false regarding You."

Additionally, federal law (the Digital Millennium Copyright Act ("DMCA"), 17 U.S.C. 202) requires Internet service providers such as Adelphia to take affirmative action to prevent copyright infringement where the copyright owner has provided us with written notification.

Adelphia considers you a valued customer, so we wanted to let you know that if the copyright owner pursues this claim, or if there are additional claims by other copyright owners, it could possibly lead to legal action against you. Should that occur, we may be required by law to release private information about you (although no private information will be released unless we are directed to do so by court order or other legal process). We may also have to suspend, or even terminate, your service. This is obviously not in anyone's best interest.

In order to assist you in your future use of our service, we encourage you to visit http://www.adelphia.com/esafety/copyright_issues.cfm for tips and guidelines that we hope

will give you all the information you need to avoid further action on this matter or on other matters.

We regret having to send notices like this, and we do not wish to alarm you unnecessarily, but we have a responsibility to advise you of any notices concerning your account.

We appreciate your business, and look forward to providing you with excellence in broadband service for many years to come.

Regards,

Internet Policy Enforcement Team
Adelphia Cable Communications
abuse@adelphia.net
<http://www.adelphia.com/esafety>

1. I received a letter saying I'm distributing copyrighted material over the Internet or using pirated software. What does this mean and what should I do?

- Adelphia received a notification from a copyright owner (or their agent) that allegedly, copyrighted material is being offered for distribution or pirated software is being used from your connection.
- This material may be in the form of movies, television programs, music, software, etc.
- This information is being provided to you as a courtesy so that you may take the action you deem necessary to review and address the allegation that has been made.
- At the same time, you should know it is a violation of Adelphia's Acceptable Use policy as well as federal law to distribute copyrighted material without the express written approval of the copyright owner.
- If you think the notification is accurate you should stop sharing these materials with others immediately.
- You should also know that Adelphia may be required by law or may take action at its own discretion consistent with internal policies and procedures, should evidence of repeated infringement be presented.

2. How was I determined to be the recipient of this notification?

- The copyright infringement notification that Adelphia received from the copyright owner lists the infringed material, date, time and Internet protocol address where the material is stored. An Internet protocol address is much like a street address for your computer on the Internet. This address is assigned by Adelphia.
- Adelphia matches this IP address to our customer databases to determine the

identity of the subscriber at the date and time listed in the complaint.

- Your identity has NOT been released to the complainant, but may be if we are required by law to supply it.

3. Are you turning my service off?

Your service has been temporarily disabled until such time as Adelphia disable to explain the notice regarding your account to you, the account holder. Please contact Adelphia regarding this matter, if you have not already done so, to resolve this issue. Please be aware that, should evidence of repeated infringement be presented in the future, Adelphia may take action as required by federal law or court order or in its own discretion.

4. Are there other complaints and how can I obtain a copy of them?

There may be complaints from other copyright owners. If you require copies of all complaints, we can make arrangements to have them sent to you.

5. Am I going to be sued?

You should be aware that litigation is an option the copyright owner may or may not choose to exercise.

6. I believe this accusation is false, what can I do?

- If you dispute the accuracy of the report you can contact the copyright owner directly. (Contact information is contained in the body of the complaint.)
- Doing so may require revealing your identity.
- You may wish to seek legal advice before making any contact.

7. Should I contact the copyright owner?

That is entirely up to you. But in any event, if you think the notification is accurate you should stop sharing these materials with others immediately.

8. Under what circumstances will you release my information?

Adelphia will only release your information to the copyright owner when legally required to do so by court order.

9. Why is Adelphia doing this?

Adelphia must adhere to all laws governing the use of its services, including the Digital Millennium Copyright Act that governs the rights and responsibilities of Internet service providers in relation to copyright infringement issues on its network.

10. What are you talking about?! I don't use P2P applications or share files nor do I have copyrighted material on my machine!

Check with all members of your household as well as all machines in your home that use the cable modem to determine if anyone is sharing files. Large collections of music, movie, or software files may indicate sharing activity. There are other possible explanations for these notifications. The complainant could have made a mistake and made an inaccurate report. Whether you wish to contact the complainant and reveal your identity is entirely your choice. There is the potential that your machine has been used as a "warehouse" for copyrighted material by hackers without your knowledge. To reduce this risk going forward, we recommend you install firewall and anti-virus software. Information on various programs can be found on our Esafety web site at <http://www.adelphia.com/esafety>. We also recommend you keep your Windows operating system up to date with the most recent patches. You can get them at <http://www.windowsupdate.com>. Someone may be using your wireless connection without your permission. If you do have a wireless system, we recommend you enable the encryption feature. (Refer to the documentation that came with your access point.) There could be other explanations not listed here. If you've taken all these steps and ruled out these possibilities, you may need to audit the security of your system. If that's beyond your personal expertise, you may want to do this with professional assistance. We encourage you to take appropriate steps right away. The user is ultimately responsible for all traffic to/from their connections as well as the security of any devices connected.

Tips to avoid copyright infringement

File sharing: The most common way of infringing

File sharing applications are the most popular way of finding and downloading music, movies, etc. on the Internet. However, the sharing of copyrighted material through these programs from your connection could result in complaints from the copyright owners and, ultimately, in personal liability. Please check out the information at http://security.uchicago.edu/peer-to-peer/no_fileshare.shtml for ways to configure various peer-to-peer file-trading programs to protect yourself by removing copyrighted materials from your Share folder or by turning off File Sharing. Generally, any copyrighted file on your system that is available for download through any means could result in action by the copyright owner.

News Group Posting

Never post copyrighted material to USENET groups or other interactive forums.

Be wary of pirated software

Be very wary of using software that has been "cracked", "patched", or "hacked." Many software companies have implemented security measures that will alert them to usage of software that has not been obtained through normal channels. Only use software acquired through legitimate channels, such as the software manufacturer's website or an authorized distributor.

System security is important

Keep your system secure. Hackers have been known to take over user's machines and turn

them into depositories for the distribution of copyrighted material.

Make sure you follow these four basic steps:

1. Install a software firewall of the type that will alert you to software on your machine that tries to access the network without your knowledge.
2. Use anti-virus software and update the definitions regularly.
3. Keep your operating system updated with the latest security patches. For Windows users, we recommend using the Windows Update shortcut found on the Start Menu or visiting <http://www.windowsupdate.com> and follow the instructions there. Once a week should do it.
4. Be wary of strange email attachments or downloaded files. Do not run the file unless you trust the source and know what the file does.

Notice ID: 22-7288671

Notice Date: 13 Feb 2006 19:22:00 GMT

Adelphia

Dear Sir or Madam:

BayTSP, Inc. ("BayTSP") swears under penalty of perjury that Paramount Pictures Corporation ("Paramount") has authorized BayTSP to act as its non-exclusive agent for copyright infringement notification. BayTSP's search of the protocol listed below has detected infringements of Paramount's copyright interests on your IP addresses as detailed in the attached report.

BayTSP has reasonable good faith belief that use of the material in the manner complained of in the attached report is not authorized by Paramount, its agents, or the law. The information provided herein is accurate to the best of our knowledge. Therefore, this letter is an official notification to effect removal of the detected infringement listed in the attached report. The attached documentation specifies the exact location of the infringement.

We hereby request that you immediately remove or block access to the infringing material, as specified in the copyright laws, and insure the user refrains from using or sharing with others Paramount's materials in the future (see, 17 U.S.C. 512).

Further, we believe that the entire Internet community benefits when these matters are resolved cooperatively. We urge you to take immediate action to stop this infringing activity and inform us of the results of your actions. We appreciate your efforts toward this common goal.

Please respond indicating the actions you have taken to resolve this matter. The provided link has been assigned to this matter

?customerid= &commhash=76166-1852-8888-2127-10011031. For email correspondence, please reference the above Notice ID in the subject line

mailto:paramount@copyright-

compliance.com?subject=RE%3A%20Notice%20ID%3A%2022%207288671%20Notice%20of%20Unauthorized%20Use%20of%20Paramount%20Pictures%20Property.

Nothing in this letter shall serve as a waiver of any rights or remedies of Paramount with respect to the alleged infringement, all of which are expressly reserved. Should you need to contact me, I may be reached at the following address:

Mark Ishikawa
Chief Executive Officer
BayTSP, Inc.
PO Box 1314
Los Gatos, CA 95031

v: 408-341-2300
f: 408-341-2399
paramount@copyright-compliance.com

*pgp public key is available on the key server at <ldap://keyserver.pgp.com>

Note: The information transmitted in this Notice is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, reproduction, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from all computers.

This infringement notice contains an XML tag that can be used to automate the processing of this data. If you would like more information on how to use this tag please contact BayTSP.

Evidentiary Information:

Notice ID: [REDACTED]

Recent Infringement Timestamp: 13 Feb 2006 [REDACTED] GMT

Infringed Work: Four Brothers

Infringing FileName: Four Brothers 2005 DVDSCR XviD-HLS

Infringing FileSize: 1467[REDACTED]

Protocol: BitTorrent

Infringing URL: [REDACTED]:8661\Four Brothers 2005 DVDSCR XviD-HLS

Infringers IP Address: [REDACTED]

Infringer's DNS Name: [REDACTED]adelphia.net

Infringer's User Name:

Initial Infringement Timestamp: 13 Feb 2006 [REDACTED] GMT