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September 7, 2005

VIA Federal Express

Business Owner
Successful Company
123 Main Street
Anytown, USA 10101

Re: Copyright Infringement

Dear Mr. Owner:

I represent the Software & Information Industry Association ("SIIA"), and the software publishers that participate in SIIA's antipiracy program, as identified in Exhibit A (attached), in connection with your company's copyright infringement of the computer software published by the software publishers listed in Exhibit A.

SIIA is the largest association of software publishers in the country. SIIA and its predecessor organization, the Software Publishers Association ("SPA"), have been fighting software piracy for over 15 years – longer than any other trade association in the world.

SIIA has evidence that Successful Company (SC), is engaged in the unlawful copying and use of software published by the software publishers listed in Exhibit A in violation of the Copyright Act, Title 17 U.S.C. §501, et seq. The remedies under the Copyright Act that are available for a violation such as this include statutory damages up to $150,000 per violation for willful violations and $30,000 per violation for non-willful violations, plus attorneys fees and an order requiring the destruction or other disposition of all copies found to have been made or used in violation of the copyright owner's exclusive rights. Title 17 U.S.C. §§ 502-505.

Although we are prepared to seek remedies available under the Copyright Act, we prefer to work with companies to reach a resolution that is quick, fair and out of the public spotlight. We have set up a three part process to reach an easy and quick settlement in such cases.

First, SC audits all of its computers and servers for the number of copies of software published by the companies listed in Exhibit A and furnishes SIIA with the audit results, copies of its software licenses, and documentation indicating the dates the software was purchased. The audit can be performed by SC or by an independent SIIA-

certified third party system consultant and should be completed within 60 days from receipt of this letter. If SC is conducting the audit, SIIA will provide your company with one of four different audit tools without cost or obligation. Registration forms for these audit tools are available at the following URL's:

Manufacturer	Attest Systems
Website	http://www.attest.com/
Link to free copy	http:/www.attest.com/Evaluation/index.aspx?src=siia
Description	Attest Systems is the maker of GASP, the auditing tool frequently used by organizations working with SIIA. GASP is compatible with Widows and Macintosh systems.

Manufacturer	ASAP Software
Website	http://www.asap.com/
Link to free copy	http:/www.asap.com/Redirect.html?eid=287&PC=OT&RedirectPage= Demo_reg1.asp
Description	ASAP Software is the maker of eSMART, a web-based asset management service. eSMART is compatible with Widows, Macintosh, Palm and peripheral devices (such as printers, scanners, etc.)

Manufacturer	Eracent
Website	http://www.eracent.com/
Link to free copy	http:/www.eracent.com/SIIA/addInquiry.php4
Description	Eracent manufactures a number of different inventory and asset management solutions including Enterprise AM and Enterprise Software Metering. In addition to other operating systems, Eracent EnterpriseAM is UNIX/Linux compatible.

Manufacturer	Tally Systems
Website	http://www.tallysystems.com/
URL	http:/www.tallysystems.com/forms/siiaoffer/signup.html
Description	Tally Systems manufactures TS.Census License Compliance Suite, a complete set of asset and license management tools. Tally is Windows and UNIX/Linux compatible.

Second, SC pays the SIIA Copyright Protection Fund a negotiated amount based on a multiple of the manufacturer's suggested retail price of each copy of unlicensed software reflected by the audit. SC destroys all unlicensed software computers and servers and agrees to refrain from further use of unlicensed software in the future. SC purchases sufficient copies of software to fill its software needs through an authorized software distributor.

Third, SIIA releases SC on behalf of the software publishers listed on Exhibit A from all claims and causes of action for copyright infringement.

It has been our experience that most companies find SIIA's settlement terms to be fair – especially when faced with the much harsher penalties allowed under the law. As a result, most of the companies that SIIA contacts based on evidence of infringing activity accept SIIA's settlement offer. However, if SC is unwilling to *promptly* conduct an audit and the other activities mentioned above, you should be aware that SIIA will not hesitate to initiate litigation against SC for copyright infringement.

In the meantime, SC should not delete or remove any unlicensed software from its computers or servers. Evidence of your unlawful use of software will be material to any litigation which may ensue, and your negligent or willful destruction of such evidence will give rise to an independent cause of action for spoliation as well as claims for compensatory and punitive damages.

Purchasing licenses or deleting software at this point will not remedy past unauthorized installation or use, will not conclude our investigation and could prejudice our ability to reach a mutually satisfactory resolution if not properly documented. If your operations necessitate the installation of any software prior to the resolution of this dispute, in addition to providing license software documentation, it will also be necessary for you to identify the name and number of each software products installed and the date of each such installation. However, since it is the amount of unlicensed software in your possession as of the date of this audit letter that is at issue, licensed software installed subsequent to the date of this letter will not be considered by SIIA for purpose of settlement.

I will be contacting you to discuss how SC wishes to proceed. Meanwhile, more information about the Software & Information Industry Association (SIIA) is available at http://www.siia.net, and more information about my law-firm is available at http://www.hklaw.com.

I look forward to hearing back from you and to resolving this matter promptly and amicably.

Very truly yours,

N. Forcement Attorney

EXHIBIT A

Adobe Systems Incorporated

Ahead Software, Inc.

Aladdin Systems, Inc.

Altaris System, Inc.

Apple Computer, Inc.

Attest Systems, Inc.

Autodesk, Inc.

Belarc, Inc.

Best Software, Inc.
(including ACT!, Dac Easy, Peachtree Software, and Timeslips)

Big Hammer LLC

Borland Software Corporation

Citrix Systems, Inc.

Corel Corporation
(including iGrafix and Micrografix)
Day-Timers, Inc.

Encyclopedia Britannica, Inc.

FileMaker, Inc.

J.J. Keller & Associates, Inc.

Lieberman software Corporation

Macromedia, Inc.
(including Allaire Corporation and eHelp Corporation)

Macrovision Corporation
(including GLOBEtrotter Software, Inc.)

MapInfo Corporation

Mathsoft Engineering & Education, Inc.

McAfee, Inc.
(formerly Network Associates, Inc.)

Microsoft Corporation
(including Visio)

Novell, Inc.

Riverdeep Interactive Learning Ltd.
(including Broderbund and The Learning Company)

Roxio, Inc.

SafeNet, Inc.
(including Rainbow Technologies, Inc.)

SolidWorks Corporation

Symantec Corporation
(including Delrina Corporation and PowerQuest Corporation)

Tally Systems Corp.

Tom Snyder Productions, Inc.

Hilgraeve, Inc.

Hyper Solutions Corporation
(including Brio Software)
IBM Corporation
(including Lotus Development
Corporation)
Intuit, Inc.

Ipswitch, Inc.

Ulead Systems, Inc.

VERITAS Software Corporation

WRQ, Inc.

Zone Labs, Inc.