



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street, 3<sup>rd</sup> Floor  
New York, New York 10007

April 4, 2006

BY HAND

Hon. Kenneth M. Karas  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 920  
New York, New York 10007-1312

Re: Elektra Entertainment Group Inc., et al. v. Barker,  
No. 05 Civ. 7340 (KMK)

Dear Judge Karas:

I write on behalf of the United States of America respectfully to inform the Court that the United States has received notice of the above-referenced action, in which plaintiffs allege, inter alia, that defendant's use of an online media distribution system, i.e., peer-to-peer ("P2P") file sharing software, infringes their exclusive right to distribute certain copyrighted work pursuant to 17 U.S.C. § 106(3) of the Copyright Act. The United States is in the process of deciding whether to exercise its right under 28 U.S.C. § 517 to file a Statement of Interest to express the views of the United States regarding the scope of the distribution right embodied in § 106(3) of the Copyright Act.<sup>1</sup> In the event that the United States determines that a Statement of Interest should be filed, we anticipate filing such a statement with the Court during the week of April 17, 2006.

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<sup>1</sup> Section 517 provides: "The Solicitor General, or any officer of the Department of Justice, may be sent by the Attorney General to any . . . district in the United States . . . to attend to any [] interest of the United States." 28 U.S.C. § 517.

Hon. Kenneth M. Karas

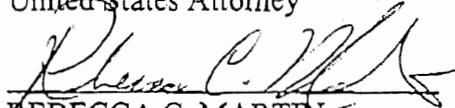
April 4, 2006

Thank you for your consideration of this request.

Respectfully submitted,

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By:

  
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