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February 16, 2006

VIA FACIMILE ([REDACTED]) AND EMAIL ([REDACTED]@theplanet.com & [REDACTED]
[REDACTED]@theplanet.com)

[REDACTED]
Designated Copyright Agent
The Planet.com Internet Services, Inc.
[REDACTED]
Dallas, Texas 75207
[REDACTED]@theplanet.com

Re: Illegal Materials Posted on and Linked-to From Win2osx Site Hosted by The Planet.com

Dear [REDACTED]:

We represent Apple Computer, Inc. ("Apple"), which owns the copyrights in the Mac OS X operating system software. It has come to our attention that a web site hosted by The Planet.com, www.win2osx.net (the "Win2osx Site"), contains material that infringes Apple's copyrights and contains links to other material that infringes Apple's copyrights. In addition, the material is illegal under the anti-circumvention provisions of the Digital Millennium Copyright Act (DMCA). The details are as follows:

Infringing Materials Posted the Win2osx Site. The Win2osx site contains decrypted versions of encryption-protected files that Apple distributes with Mac OS X ver. 10.4.4. The decrypted binary code (the "Decrypted Code") may be found at the following URLs on the Win2osx Site:

<http://www.win2osx.net/forum/showthread.php?t=2901>
<http://www.win2osx.net/wiki/index.php/Translate.decrypted.wipe>

Apple protects these copyrighted files with an encryption key specific to a single end-user purchaser. Any unauthorized use or distribution of these files is strictly prohibited. The foregoing decrypted files on the Win2osx Site infringe Apple's copyrights.

Infringing Materials Linked To From the Win2osx Site. In addition, the Win2osx Site contains one or more links to http://maxxuss.hotbox.ru/patch_8g1165.html (the "Maxxuss Patches"), at which may be found links to "patched" versions of the Mac OS X ver. 10.4.4 operating system that have been designed to run on non-Apple hardware. These "patched" files overwhelmingly contain copied code from Apple's copyrighted operating system and are therefore infringing since such copying and modification has not been authorized by Apple. Links to the Maxxuss Patches may be found on the Win2osx Site, for example, at <http://www.win2osx.net/forum/showthread.php?t=2893> (the "Maxxuss Thread").

DMCA Anti-Circumvention Violations. Apple uses encryption and other technological measures in Mac OS X ver. 10.4.4 to effectively control access to its copyrighted operating system code and to effectively protect its rights as a copyright owner in that code. The foregoing materials posted on the Win2osx Site and linked to from the Win2osx Site are primarily designed and produced for the purpose of circumventing these technological measures. Accordingly, providing or offering them to the public through the Win2osx Site constitutes a violation of the anti-circumvention provisions of the DMCA at 17 U.S.C. §§ 1201(a)(2) and 1201(b)(1).

In view of the foregoing copyright infringements and anti-circumvention violations, we demand that you immediately remove or cause to be removed from the Win2osx Site or any other site owned, operated or under your control, all Decrypted Code and all links to the Maxxuss Patches, including such links in the Maxxuss Thread or wherever else on the Win2osx Site such links may appear. Failure to do so could subject you to legal liability.

Please confirm to the undersigned in writing **no later than noon on Friday, Feb. 17, 2006** that you have complied with these demands. You may reach the undersigned by telephone at [REDACTED] or by email at [REDACTED]@fenwick.com. Apple reserves all further rights and remedies with respect to this matter.

I hereby confirm that I have a good faith belief that use of the Decrypted Code and the Maxxuss Patches in the manner complained of in this letter is not authorized by the copyright owner, its agent, or the law, and that, under penalty of perjury, I am authorized to act on behalf of Apple Computer, Inc., the owner of the exclusive rights in the Mac OS X ver. 10.4.4 operating system that are allegedly infringed.

Sincerely,

[REDACTED]
[REDACTED]