

GENGA & ASSOCIATES, P.C.
A PROFESSIONAL LAW CORPORATION

[REDACTED]
ENCINO, CALIFORNIA 91436

FAX [REDACTED]

[REDACTED]
[REDACTED]@GENGALAW.COM

March 17, 2005

VIA U.S. MAIL, e-MAIL AND FACSIMILE TRANSMISSION:

To: **GOOGLE INC.**
Attn: [REDACTED]
[REDACTED]
Mountain View, CA 94043
Fax: [REDACTED]

Re: Notice of Copyright Infringement

To Whom It May Concern:

This firm serves as outside litigation counsel for Sharman License Holdings, Ltd. and Sharman Networks Ltd. (collectively, "Sharman"). As required under Sections 512(c)(3) and 512(d)(3) of the Digital Millennium Copyright Act (17 U.S.C. §§512(c)(3) and 512(d)(3)), and in conformance with Google's posted guidelines for the filing of notices of copyright infringement (the "Guidelines"), the following is hereby submitted:

1. OWNERSHIP:

Sharman exclusively holds all rights of copyright in all authorized versions of the "Kazaa" software application, including "Kazaa v3.0," "Kazaa Plus," and the "Kazaa Media Desktop" (collectively, "Kazaa") as well as any additional intellectual property associated therewith.

2. THE COPYRIGHTED WORK CLAIMED TO HAVE BEEN INFRINGED:

The Kazaa software application (see #1 above).

**3. THE MATERIAL WHICH IS THE SUBJECT OF INFRINGING
ACTIVITY AND THAT IS TO BE REMOVED OR ACCESS TO WHICH
IS TO BE DISABLED:**

See spreadsheet attached as Annex A. Sharman has attempted to make this list as comprehensive as possible to address the problem in one sitting and avoid the need for constant follow-up. However, as demonstrated by the sheer number of misspellings and other stylistic variations identified above, the advertisers may use additional search results which are not specifically mentioned herein. If this proves to be the case, Sharman requests that this notice apply equally to any such variants which may be identified at a later time.

Recall that the issue stems from the cottage industry which has arisen of websites marketing and/or distributing products known as "Kazaa Lite," "KazaGold," "K-Lite," "Kpp" and/or "K++," in exchange either for direct collection of site-access fees, or perhaps simply to attract Internet traffic. The above-referenced terms typically refer to versions of Kazaa which have had unauthorized alterations performed upon the source code by third parties. These alterations not only violate the terms of the End User License Agreement which Sharman requires Kazaa users to consent in order to use the Kazaa program, but also constitute infringements upon Sharman's rights of copyright in Kazaa.

4. MANDATORY STATEMENT:

I HAVE A GOOD FAITH BELIEF THAT THE USE OF SHARMAN'S INTELLECTUAL PROPERTY IN THE MANNER COMPLAINED OF IS NOT AUTHORIZED BY SHARMAN, ITS AGENT, OR THE LAW. I HEREBY STATE THAT THE INFORMATION CONTAINED IN THIS NOTICE IS ACCURATE AND, UNDER PENALTY OF PERJURY, I STATE THAT I AM AUTHORIZED TO ACT ON BEHALF OF SHARMAN FOR THIS MATTER.

Sharman respectfully requests that Google add the URLs listed in the attached spreadsheet to the set of results which are automatically removed from searches using Kazaa-related queries, pursuant to Sharman's previous DMCA complaints. Some of the domain names listed in the spreadsheet are highly similar to those Google currently removes pursuant to the prior DMCA notice, making it apparent that these similar listings are merely new sites used by the same proprietors.

On behalf of Sharman, please accept our sincerest appreciation for Google's cooperation to date. Should you require any further information regarding this matter, do not hesitate to contact me directly via the contact methods listed above.

Sincerely,

A large black rectangular redaction box covering the signature of the sender.

for Genga & Associates, P.C.