

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ARISTA RECORDS LLC; ATLANTIC  
RECORDING CORPORATION; BMG MUSIC;  
CAPITOL RECORDS, INC.; ELEKTRA  
ENTERTAINMENT GROUP INC.;  
INTERSCOPE RECORDS; LAFACE  
RECORDS LLC; MOTOWN RECORD  
COMPANY, L.P.; PRIORITY RECORDS LLC;  
SONY BMG MUSIC ENTERTAINMENT;  
UMG RECORDINGS, INC.; VIRGIN  
RECORDS AMERICA, INC.; and  
WARNER BROS. RECORDS INC.,

Plaintiffs,

v.

LIME GROUP LLC; LIME WIRE LLC; MARK  
GORTON; and GREG BILDSON, and M.J.G.  
LIME WIRE FAMILY LIMITED  
PARTNERSHIP

Defendants.

CIVIL ACTION NO. 06 CV. 5936  
(GEL)

**DECLARATION OF CHARLES S. BAKER IN SUPPORT  
OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

I, Charles S. Baker, the undersigned, hereby declare as follows:

1. My name is Charles S. Baker. I am over eighteen years of age, of sound mind, and in all ways qualified and competent to make this declaration. I have personal knowledge of the facts contained in this declaration and they are true and correct.

2. I am licensed to practice law in the State of Texas and am admitted *pro hac vice* as an attorney-in-charge for Defendants in this case.

3. Attached as Exhibit 1 is a true and correct copy of Chapter 8 of Andy Oram (ed.), PEER TO PEER (2001).

4. Attached as Exhibit 2 is a copy of the Opening Brief of Petitioners in *Metro-Goldwyn-Mayer Studios Inc., et al. v. Grokster, Ltd., et al.*

5. Attached as Exhibit 3 is a true and correct copy of the subscription Internet copy of Chris Nelson, *Upstart Labels See File Sharing as Ally, Not Foe*, N.Y. Times, Sept. 22, 2003, at C1.

6. Attached as Exhibit 4 is a true and correct copy of Katie Dean, *Winwood: Roll With P2P, Baby*, Wired Magazine, July 9, 2004, which can also be found at: <http://www.wired.com/entertainment/music/news/2004/07/64128>.

7. Attached as Exhibit 5 is a true and correct copy of the subscription Internet copy of Neil Strauss, *File-Sharing Battle Leaves Musicians Caught in the Middle*, N.Y. Times, Sept. 14, 2003, at A1.

8. Attached as Exhibit 6 is a true and correct copy of Nine Inch Nails Surprise Fans by Web-Releasing New "Ghosts" Album, Rollingstone.com, March, 3, 2008, which can be found at: <http://www.rollingstone.com/rockdaily/index.php/2008/03/03/nine-inch-nails-surprise-fans-by-web-releasing-new-ghosts-album/>.

9. Attached as Exhibit 7 is a true and correct copy of Greg Sandoval, *Will Former Google Exec Help Save the Music Industry?*, CNET News.com, April 2, 2008, which can be found at: [http://news.cnet.com/8301-10784\\_3-9909513-7.html?tag=b](http://news.cnet.com/8301-10784_3-9909513-7.html?tag=b).

10. Attached as Exhibit 8 is a true and correct copy of PEW Internet and American Life Project, *Artists, Musicians and the Internet*, Dec. 5, 2005, which can be found at: [http://www.pewinternet.org/pdfs/PIP\\_Artists.Musicians\\_Report.pdf](http://www.pewinternet.org/pdfs/PIP_Artists.Musicians_Report.pdf).

11. Attached as Exhibit 9 is a true and correct copy of the subscription Internet copy of Tom Zeller, Jr., *Pew File-Sharing Survey Gives a Voice to Artists*, N.Y. Times, Dec. 6, 2004, at E1.

12. Attached as Exhibit 10 is a true and correct copy of James Pearce, *Lindows Offers Software For Free Over P2P*, CNET News.com, Jan. 30, 2004, which can be found at: [http://news.cnet.com/lindows-offers-software-for-free-over-P@P/2100-7344\\_3-5150931.html?tag=st.rn](http://news.cnet.com/lindows-offers-software-for-free-over-P@P/2100-7344_3-5150931.html?tag=st.rn).

13. Attached as Exhibit 11 are true and correct copies of printouts from the pages of the Jun Group Internet website that can be found at <http://www.jungroup.com/>.

14. Attached as Exhibit 12 is a true and correct copy of a printout from the Internet that can be found at: [www.winzip.com/elicence.htm](http://www.winzip.com/elicence.htm).

15. Attached as Exhibit 13 is a true and correct copy of a printout from the Internet that can be found at the following site: <http://distribution.openoffice.org/p2p/magnet.html>.

16. Attached as Exhibit 14 are true and correct copies of printouts from pages of the iMesh Internet website that can be found at <http://www.imesh.com/>.

17. Attached as Exhibit 15 are true and correct copies of printouts from the pages of the Qtrax Internet website that can be found at <http://www.qtrax.com/>.

18. Attached as Exhibit 16 is a true and correct copy of *BigChampagne Is Watching You*, Wired Magazine, Issue 11.10, Oct. 2003, which can be found at: [http://www.wired.com/wired/archive/11.10/filesshare\\_pr.html](http://www.wired.com/wired/archive/11.10/filesshare_pr.html).

19. Attached as Exhibit 17 is a true and correct copy of a printout from the Internet that can be found at: <http://opinion.latimes.com/bitplayer/2008/06/promoting-new-t.html>.

20. Attached as Exhibit 18 is a true and correct copy of the subscription Internet copy of Seth Schiesel, *On Maneuvers With The Army's Game Squad*, N.Y. Times, Feb. 17, 2005, at G1.

21. Attached as Exhibit 19 is a true and correct copy of Aliya Sternstein, *Gnutella Wants You*, Forbes Magazine, Nov. 10, 2003, which can also be found at: [http://www.forbes.com/forbes/2003/1110/077sidebar\\_print.html](http://www.forbes.com/forbes/2003/1110/077sidebar_print.html).

22. Attached as Exhibit 20 is a true and correct copy of Paul Rubens, *Army Tactics Are The Business*, Financial Times, Nov. 26, 2003, which can also be found at: <http://groove.net/pdf/armytactics.pdf>.

23. Attached as Exhibit 21 is a true and correct copy of Katie Dean, *Teaching Music Traders A Lesson*, Wired News, Nov. 12, 2003, which can also be found at: <http://www.wired.com/entertainment/music/news/2003/11/61173>.

24. Attached as Exhibit 22 is a true and correct copy of a printout from the Internet that can be found at the following site: <http://berkleeshares.com/press/pressrelease2>.

25. Attached as Exhibit 23 is a true and correct copy of Kim Zetter, *Downloading for Democracy*, Wired News, Jul. 19, 2004, which can also be found at: <http://www.wired.com/politics/law/news/2004/07/64237>.

26. Attached as Exhibit 24 is a true and correct copy of a printout from the Internet that can be found at the following site: <http://www.outragedmoderates.org/HowtoUseP2PNetworks.html>.

27. Attached as Exhibit 25 is a true and correct copy of a printout from the Internet that can be found at the following site: <http://www.cbsnews.com/stories/2003/08/06/tech/main567017.shtml>.

28. Attached as Exhibit 26 is a true and correct copy of a printout from the Internet that can be found at the following site: [http://www.oyez.org/cases/1980-1989/1982/1982\\_81\\_1687/](http://www.oyez.org/cases/1980-1989/1982/1982_81_1687/).

29. Attached as Exhibit 27 is a true and correct copy of *New Technology May Foil PRC Attempts At Censorship Efforts*, The China Post, Mar. 12, 2003, which can also be found at: <http://chinapost.com.tw/print/35737.htm>.

30. Attached as Exhibit 28 is a true and correct copy of Heather Green, *The Underground Internet*, Business Week, Sept. 15, 2003, at 80, which can also be found at: [http://www.businessweek.com/print/magazine/content/03\\_37/b3849089\\_mz063.htm?chan=mz](http://www.businessweek.com/print/magazine/content/03_37/b3849089_mz063.htm?chan=mz).

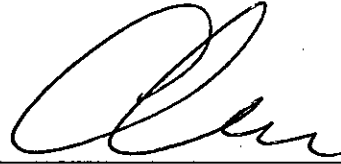
31. Attached as Exhibit 29 is a true and correct copy of the subscription Internet copy of Jennifer Lee, *Grass-Roots War Heats Up Against Government Web Blocks*, Chicago Tribune, Oct. 14, 2002, at 4.

32. Attached as Exhibit 30 is a true and correct copy of Jim Rapoza, *Six/Four: The Internet Under Cover*, Eweek from ZDWire, Mar. 6, 2003, which can also be found at: <http://www.eweek.com/c/a/Past-Reviews/SixFour-The-Internet-Under-Cover>.

33. Attached as Exhibit 31 is a true and correct copy of the Memorandum and Order, dated July 9, 2001, entered by the United States District Court for the Northern District of California in *In re Napster, Inc. Copyright Litigation*, Nos. C 00-1369 MHP and C 00-4725 MHP.

34. Attached as Exhibit 32 is a true and correct copy of the Amicus Brief filed by Creative Commons in the *Grokster* case before the U.S. Supreme Court.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration is executed in Houston, Texas on July 12, 2008.

A handwritten signature in black ink, appearing to read 'Charles S. Baker', written in a cursive style.

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Charles S. Baker