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 WIRE LLC; LIME GROUP LLC; MARK GORTON; and GREG BILDSON, Defendants.	CIVIL ACTION NO. 06 CV. 5936 (GEL)

I, Michael James King, hereby declare:

I have been the President of Abacast, Inc. ("Abacast") since 2004. Abacast's technology is a combination of peer-to-peer ("P2P") delivery together with the features of central server or unicast delivery ("Hybrid P2P"). The Hybrid P2P Network uses a central server to communicate with each user. However, the actual stream may be provided by either the server itself or, more likely, by another user or users who simply redirects the stream or portions of the stream.

P2P technology, from a pure technological perspective, is the most efficient way to distribute data in a network. The fact that people have used P2P technology for infringing purposes does not alter the viability of the technology. All different types of commercial ventures, including Abacast, use P2P technology for legitimate commercial purposes.

In fact, without P2P technology, Abacast would not be possible. P2P offers adaptability that cannot be accomplished with a central server. For instance, P2P technology provides a client side application that allows real time monitoring of the quality of service. In other words, as a result of P2P technology, Abacast can ensure the quality of data delivery. If one server goes down, users will be rerouted to another peer group immediately, allowing Abacast to correct data transmission problems in real time. P2P technology promotes adaptable, efficient service for users in the technology marketplace.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration is executed on July 15, 2008.

Michael James King