



## **The Oppenheim Group**

Matthew J. Oppenheim, Esq.

7304 River Falls Drive, Potomac, MD 20854

301-299-4986 | 866-766-1678 fax

December 4, 2008

Terry Wright  
Director  
North Carolina Private Protective Services  
1631 Midtown Place, Suite 104  
Raleigh, NC 27609

Re: December 10, 2008 Hearing regarding Media Sentry

By Fax (919) 875-3611

Dear Mr/Ms. Wright;

I am writing on behalf of Sony Music Entertainment, Universal Music Group, Warner Music Group and EMI Recorded Music, as well as their labels and affiliates, (collectively "Record Companies") regarding the December 10, 2008 hearing of the North Carolina Private Protective Services Board ("NCPPS Board"). We understand that at the December 10 hearing, the NCPPS Board will hear testimony and arguments regarding the complaints filed by Stephen E. Robertson regarding MediaSentry, Inc. I am writing to request the opportunity to participate in that hearing.

We understand that Mr. Robertson has filed nine identical complaints regarding the activities that MediaSentry undertakes when collecting evidence of peer to peer infringement. Each of the nine complaints is on behalf of an individual who is the subject of copyright infringement claims asserted by the Record Companies, and in most instances, active litigation against the individuals is proceeding in the United States District Court for the Middle District of North Carolina. In those instances where there is no pending litigation, litigation is imminent. In all of the cases, the basis of the Record Companies' copyright claims is evidence collected by MediaSentry.

We would like to participate in the December 10 hearing in order to provide the NCPPS Board with as complete a factual picture as possible regarding the evidence that was collected with respect to the nine individual complaints and the process that was used for that collection. The Record Companies will be able to supplement the technical information that MediaSentry can provide, and will be able to explain the legal processes that have been undertaken and why. It appears based on the correspondence we have seen to date from Mr. Robertson that the Board has been provided with factually inaccurate and incomplete information which we believe we are in the best position to correct. Moreover, we would like the opportunity to present to the Board the impact certain decisions might have on intellectual property enforcement on the Internet, as well as Internet usage generally.

Finally, we would be remiss if we did not point out that in the ongoing litigations in federal court Mr. Robertson has raised the very issues that are included in his complaints. To date, not a single court, either in North Carolina or elsewhere, has questioned the credibility of the evidence that has been collected. It appears that the complaints Mr. Robertson has filed with the NCPPS Board may be an effort to obtain a favorable determination regarding MediaSentry and their evidence collection techniques in a forum other than federal court where the traditional evidentiary standards do not necessarily apply. As a matter of fairness and fair process, we ask that we be permitted to participate so as not to be in a position of giving Mr. Robertson and his clients the advantage of a one-sided hearing.

In advance of sending this letter, we consulted with MediaSentry regarding our request to participate. MediaSentry indicated that it would welcome our participation. We also attempted to consult Mr. Robertson, but were unable to get in touch with him.

Sincerely,

/s/

Matthew J. Oppenheim

Cc: Tom Mullaney  
Stephen Robertson