



2100 M STREET NORTHWEST | SUITE 170-417 | WASHINGTON DC | 20037  
P 888-588-WIRE (9473) | F 888-964-WIRE (9473)

01/25/2013

SENT VIA U.S. MAIL

Re: Guava LLC v. Spencer Merkel  
27-cv-12-2097C

Dear

Our company, Guava LLC, operates computer systems on behalf of adult content producers. Our computers were breached and our files were stolen. Our engineers observed your Internet account distributing these files via BitTorrent. BitTorrent is associated with such websites and software as the Pirate Bay and Transmission. For more information regarding BitTorrent you may reference online sources.

On October 17, 2012, our attorneys filed a lawsuit in Hennepin County, Minnesota to prosecute the people who were involved in this incident. The lawsuit is currently pending before the Honorable Judge Tanya M. Bransford of the Forth Judicial District Court located in Hennepin County. In the course of discovery, we issued subpoenas to various Internet Service Providers (ISPs) to obtain the identifying information of the wrongdoers. On [redacted] our engineers observed your IP address, [redacted] trading in the files that were taken from our company's computers. Your ISP, [redacted] turned over records confirming that you were the account holder of IP [redacted] on the date in question. Based on this information, we will seek to hold you (or the person who used your Internet account) liable for this conduct. For your reference, we have enclosed a copy of the complaint that was filed in this lawsuit.

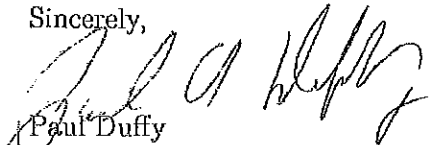
Under the applicable rules of civil procedure, our lawsuit against you personally will not commence unless we serve you with a complaint. Please consider this letter to constitute formal notice that we demand that you not delete any files from your computer or any other devices under your control or in your possession. You have an affirmative obligation to preserve evidence, including router logs and computer files. A failure to do so may subject you to additional liability. You should consult an attorney to understand your obligations in this regard.

Many account holders contact our company to find out more about our claims or to resolve them before we refer this matter to our attorneys. While we certainly are willing to discuss resolution, we are also preparing to litigate this matter in the event a resolution is not reached. We have found that the earlier we are able to reach a resolution, the less expensive it is for both you and our company. As time passes, we (and you) will incur attorney's fees and court costs. The amount for which we would be willing to resolve this matter for today will increase over time in proportion to the fees and expenses we incur.

We strongly encourage you to consult with an attorney to review your rights in connection with this lawsuit. As you know, being named as a defendant in a lawsuit can be time-consuming, distressing and expensive. Although we have endeavored to provide you with accurate information, our interests are directly adverse to yours and you should not rely on the information provided in this letter for assessing your position in this case. Only an attorney who represents you can be relied upon for a comprehensive analysis of our company's claims. Our records indicate that you are not represented by an attorney. If you are represented by an attorney please forward this letter to your attorney and have your attorney contact our office immediately to indicate their representation.

PLEASE BE ON NOTICE: Due to the serious nature of this matter, we are referring this matter to our attorneys for further prosecution against you in 21 days if we do not hear from you.

Sincerely,



Paul Duffy

Attorney and Counselor at Law

Licensed only in the states of Illinois, California, Massachusetts, and the District of Columbia