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June 19, 2007

VIA OVERNIGHT MAIL AND FACSIMILE

Mr. Mark Gorton
Chief Executive Officer
The Lime Group
377 Broadway, 11ᵗʰ Floor
New York, NY 10013

Dear Mr. Gorton:

We are writing to request information regarding potential privacy and security risks associated with the use of LimeWire, the peer-to-peer file-sharing program developed by Lime Wire LLC.

The risk of file-sharing networks to privacy and security was the subject of hearings in the House Government Reform Committee and the Senate Judiciary Committee in 2003. The Government Reform Committee also released the enclosed report entitled *File-Sharing Programs and Peer-to-Peer Networks: Privacy and Security Risks.*

As a result of concerns that were raised at the hearings and in the Committee Report, the charter members of P2P United adopted a voluntary *Code of Conduct* in September 2003 to prevent the use of features that cause inadvertent file sharing.[1]

Recent developments suggest, however, that inadvertent file-sharing may still be a significant problem. On March 5, 2007, the United States Patent and Trademark Office released a report indicating that inadvertent file sharing continues to threaten individual privacy and national security.[2]

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[1] *See* P2P United, *P2P United Unveils Code of Conduct; Calls on Congress to Halt Record Industry Abuses, Convene All-Stakeholder Negotiations — 09/29/03.* Among the charter member companies that pledged to meet the obligations of the *Code of Conduct* by the end of 2003 were Musiclab, LLC; Grokster, LTD; Lime Wire, LLC; MetaMachine, Inc.; Piolet Networks, S.L.; and StreamCast Networks, Inc.

[2] Office of International Relations, *Filesharing Programs and "Technological Features to Induce Users to Share* (Nov. 2006), enclosed. This report was discussed in various public forums prior to its official release.

To further the Committee's understanding of this issue, we request that you provide answers to the following questions:

1. Is LimeWire familiar with the November 2006 report issued by the Patent and Trademark Office?

   a. If so, does LimeWire dispute the report findings or methodology?
   b. Please provide any information about the report that you believe is relevant to the Committee's understanding of this issue

2. Does LimeWire currently adhere to the above-referenced *Code of Conduct*?

   a. If so, when did LimeWire adopt the *Code?*
   b. If not, did LimeWire ever keep to the *Code* after it was announced? If so, when did it do so, when (for which version numbers) did it stop, and why?
   c. Is the current version of LimeWire the most compliant with the *Code of Conduct* of any version so far? If not, why not?

3. Does LimeWire provide users with information to avoid uploading files inadvertently?

   a. Please describe how LimeWire helps users avoid inadvertent sharing. Include examples or screen shots from your program and website if appropriate.
   b. Please explain why warnings which were included in previous versions of LimeWire which seem to have been intended to help users avoid inadvertent sharing, have been removed in more recent versions.[3]
   c. Is the current version of LimeWire the least likely to allow users to inadvertently share files of any version so far? If not, why not?

4. Does LimeWire utilize a default "redistribution feature" that causes users of the program to upload all files that they download?

5. Does the LimeWire program employ a "recursive sharing" feature (*i.e.,* the program shares not only the file stored in the folder selected to store downloaded files, but also all files stored in any of its subfolders)?

6. Does the LimeWire program utilize "partial-uninstall" features? How can users completely uninstall the LimeWire program without leaving behind files that might affect subsequently installed versions of the program?

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[3] *Id.* at 27, Fig. 10, LimeWire 2.0.4, "Would you like to add the save directory to your list of shared directories? Subdirectories of this directory will also be shared."

7.   Has LimeWire deployed "coerced sharing" features (*i.e.,* the program provides inaccurate or misleading information about what folders the user may be sharing)?

8.   In your estimation, would the removal from LimeWire (or from the Gnutella P2P protocol) of any or all of the features referenced in questions 4 through 7 risk the collapse of the Gnutella P2P network, as some scientific articles have suggested?[4]

9.   Does LimeWire agree with the assertion that certain P2P software programs pose risks to government and private users?

     a.   If not, why not?

     b.   If so, does LimeWire have any recommendations regarding how these concerns can be addressed and resolved?

     c.   Is LimeWire planning to deploy software upgrades to address these concerns?

The Committee requests that you provide this information on or before July 3, 2007.

The Committee on Oversight and Government Reform is the principal oversight committee in the House of Representatives and has broad oversight jurisdiction as set forth in House Rule X.

If you have any questions regarding this letter, please contact Roger Sherman of the majority staff at (202) 225-5051 and Chas Phillips of the minority staff at (202) 225-5074.

Sincerely,

Henry A. Waxman
Chairman

Tom Davis
Ranking Minority Member

Enclosures

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[4] Eytan Adar & Bernardo A. Huberman, *Free Riding on Gnutella*, First Monday (Oct. 2000) (online at www.firstmonday.dk/issues/issue5_10/adar/); Tim Wu, *When Code Isn't Law*, Virginia Law Review (2003); Daniel Hughes et al., *Free Riding on Gnutella Revisited: The Bell Tolls?*, IEEE Distributed Systems Online (June 2005) (online at http://csdl2.computer.org/comp/mags/ds/2005/06/o6001.pdf).