

# EXHIBIT B



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April 4, 2006

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VIA EMAIL AND FAX

Cindy A. Cohn, Esq.  
Lee Tien, Esq.  
Electronic Frontier Foundation  
454 Shotwell Street  
San Francisco, CA 94110

Re: *Hepting v. AT&T Corp.*, No. C-06-0672-VRW (N.D. Cal.) —  
Use of AT&T Proprietary Documents

Dear Cindy and Lee:

I am writing to you about the three “AT&T Documents” described in paragraphs 7 through 22 of Lee Tien’s declaration filed March 31, 2006 (Dkt. 22).

The three AT&T Documents have been furnished to engineers at AT&T. I am informed that these documents relate to the technical structure of AT&T telephone networks and are extremely sensitive in nature—for reasons having nothing to do with the subject matter of this case. Were they or any one of them to fall into the wrong hands, they could be used to “hack” into the AT&T network, compromising its integrity. This could cause substantial damage to AT&T’s network. These risks, I am told, exist wholly apart from the allegations of your lawsuit and wholly apart from the question of whether these documents are “classified”. Indeed, it is not clear to us at this point whether these documents have any relevance to claims made in your clients’ complaint.

The three AT&T Documents are proprietary to AT&T (this is true of all three, even though one, I am told, is not stamped “AT&T Proprietary”) and contain trade secrets. They were taken from AT&T without AT&T’s permission. They were taken from AT&T by someone who (according to Lee) no longer works for AT&T. They were given to you outside of normal disclosure and discovery processes—also without AT&T’s permission and without any opportunity for AT&T to object or to seek a protective order.

I do not know what you have done with the documents, but at a minimum you have told me that you have shown them to some sort of expert. Perhaps others have seen them as well; I assume that the lawyer retained by the former AT&T employee has seen them.



Cindy A. Cohn, Esq. and Lee Tien, Esq.  
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(We understand that you have had media contacts regarding this matter.) I have no idea what steps, if any, you, this expert, the former AT&T employee, his/her lawyer or others have taken to protect the AT&T Documents. You did email them to me without encrypting them or taking any steps of which I am aware to protect them from interception by others.

For these reasons we ask that:

- You not file these documents, even under seal pursuant to Civil L.R. 79-5(d), without prior leave of court.
- You provide us with a log detailing exactly who has seen or been given access to, or copies of, these documents.
- You return all copies of these documents to AT&T and refrain from using them, pending a judicial determination as to whether you have the right to possess them, obtain them through normal discovery and/or use them in litigation.
- You identify the former AT&T employee and his/her counsel to us so that we may seek the return of the documents from them and ensure that they will not disseminate the documents any further than they already have.

Very truly yours,

Bruce A. Ericson

cc: Brad A. Berenson, Esq.  
David L. Anderson, Esq.