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December 31, 2003

Via Hand Delivery

Honorable Judge Amy J. St. Eve
United States District Court
219 South Dearborn Street - Room 1260
Chicago, IL 60604

Re: *Gene Koprowski v. Google, Inc.* (Civil Action No. 03cv7329)

Dear Honorable Judge St. Eve:

Regarding the action titled *Gene Koprowski v. Google, Inc.* (No. 03cv7329), no matters are currently pending before the Court, and therefore there may be no need for the Status Conference currently scheduled for January 6, 2004. This action involves a purported subpoena. On December 5, 2003, Mr. Koprowski filed a Motion for an Order to Show Cause. Mr. Koprowski withdrew his Motion on December 11, 2003. Thus, no matters are currently before the Court.

Because Google did not receive notice that Mr. Koprowski had withdrawn his motion, on December 23, 2003 Google filed an Opposition to his Motion. Mr. Koprowski claims he gave notice to Google. However, Google never received such notice. Regardless, because Mr. Koprowski has withdrawn his motion, Google's Opposition is moot.

On the same day that Google filed its Opposition, the Court scheduled a Status Conference for January 6, 2004. Due to the absence of any matters pending before the Court, the best course may be to cancel this Status Hearing. In addition, we recently received the attached letter from Mr. Koprowski (addressed to the Court) in which he appears to state that he will not pursue this matter further until after Congress re-addresses and revamps the Digital Millennium Copyright Act subpoena provisions. Thus, the best course may be to hold these proceedings in abeyance or dismiss them at this time.

CHICAGO
WASHINGTON, D.C.
BOSTON
PORTLAND, OR.

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Thank you for your time and attention to this matter.

Very Truly Yours,

Joseph J. Berghammer

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Appearing specially on behalf of
GOOGLE INC.

JJB:ks
Encl.
Cc: Gene J. Koprowski (via first class mail and hand delivery to his address)
1415 N. Dearborn Parkway
Chicago, IL 60610

TO:
Hon. Judge Amy St. Eve
United States District Court House
219 South Dearborn Street
Chicago, Illinois 60604

December 26, 2003

Re: Status Hearing, January 6, 2004 at 9 a.m.

Dear Judge St. Eve,

We received the Notice of a Status Hearing for *Koprowski v. Google*, Case No. 1:03-cv-07329, for January 6, 2004 at 9 a.m.

We earlier received Notice that our oral Motion to Strike our Motion for an Order to Show Cause from the call had been granted on December 11, 2003.

We had notified opposing in-house counsel, Alexander MacGillivrey, of this fact as soon as we received word from your elbow clerk that the motion has been granted.

There has been a ruling in the Court of Appeals for the District of Columbia that questioned the validity of the subpoenas to identify copyright infringers being issued under the Copyright Act, prior to lawsuit.

The case was *Verizon v. Recording Industry of America*, and was decided earlier this month. I apologize, but I do not have the citation number.

I presume that Google would use the new ruling to shield itself from disclosing the identity of the infringer.

I understand that Sen. Sam Brownback (R-Kan.) is poised to rewrite the law and address some due process, and Constitutional concerns, of Judge Ginsberg, and other members of the appeals panel.

We are probably going to wait until the Congress revamps the law on these subpoenas before proceeding with this particular matter.

My worry, however, is that Google will steal my other articles, for Forbes, Wall Street Journal, Washington Times, et al, and run them without paying a licensing fee. If that happens, we will then have to litigate to protect our intellectual property, even before Congress acts on the subpoenas.

Very Respectfully,

Mr. Gene J. Koprowski
The Michelangelo Group, LLC
1415 North Dearborn Parkway
Chicago, Illinois 60610 USA

cc: Alexander MacGillivrey, In-House Counsel, Google, Inc.