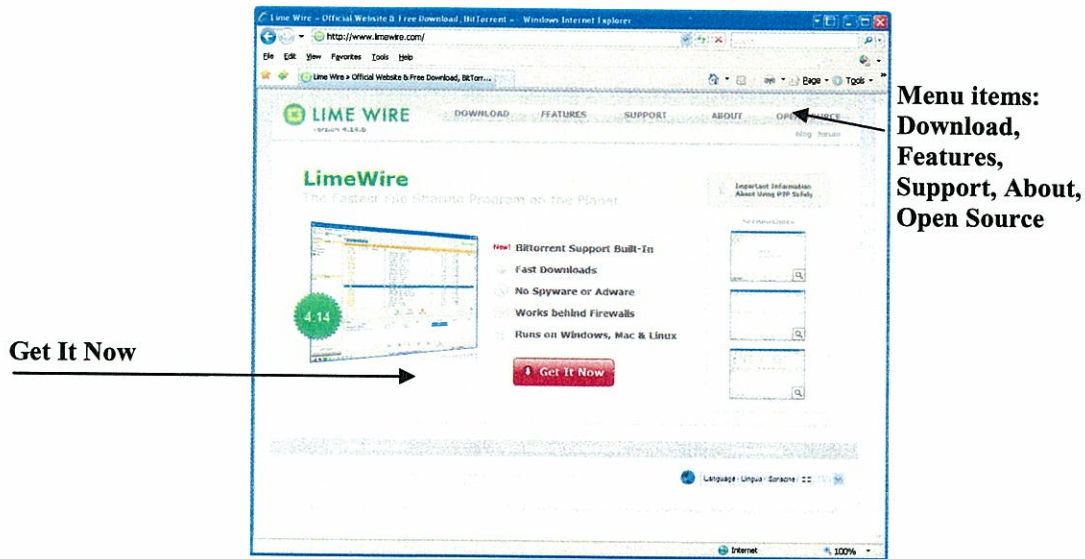


# **EXHIBIT A-3**



**Figure 2: LimeWire Website Home Page**

40. By clicking on the “Get It Now” button, the user is directed to a page that offers downloads of either LimeWire Pro (costing \$21.95 for the initial download and six-months of updates), LimeWire Extended Pro (costing \$34.95 for the initial download and one year of updates), or LimeWire Basic (at no cost). Lime Wire LLC describes its LimeWire Pro version as enhanced in the following ways: “Optimized search results, Turbo-charged downloads, Connections to more sources, More Reliable Downloads, Special PRO only skin, FREE tech support, [and] FREE updates for up to 6 months.” LimeWire Extended Pro is a modified purchasing plan for LimeWire Pro that provides free updates and technical support for one year. After clicking through a number of other pages, discussed in more detail below, the viewer is then taken to a download page, which provides a link to the executable installer.

**B. *Installation***

41. The first execution of LimeWire Basic includes a sequence of setup screens that ask for: (i) preferred language, (ii) the directory where downloaded files should

be saved (C:\Documents and Settings\ellis horowitz\Shared being my default on Microsoft Windows), (iii) speed of the connection, (e.g. DSL/Cable)<sup>17</sup> (iv) whether the software should start automatically when someone logs onto the computer (the default is YES, it should), and (v) whether content filtering should be ON or OFF (the default setting is OFF, see Figure 7 ahead).

42. One may examine and alter the default settings by clicking on the Tools | Options menu item, which brings up the window shown below:

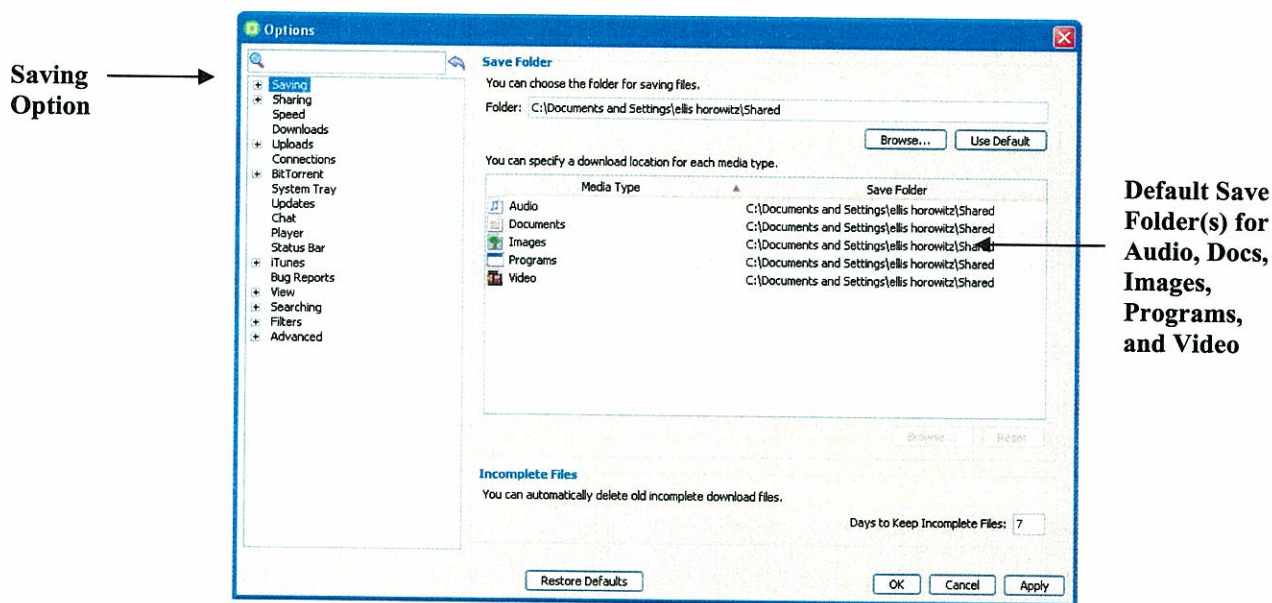


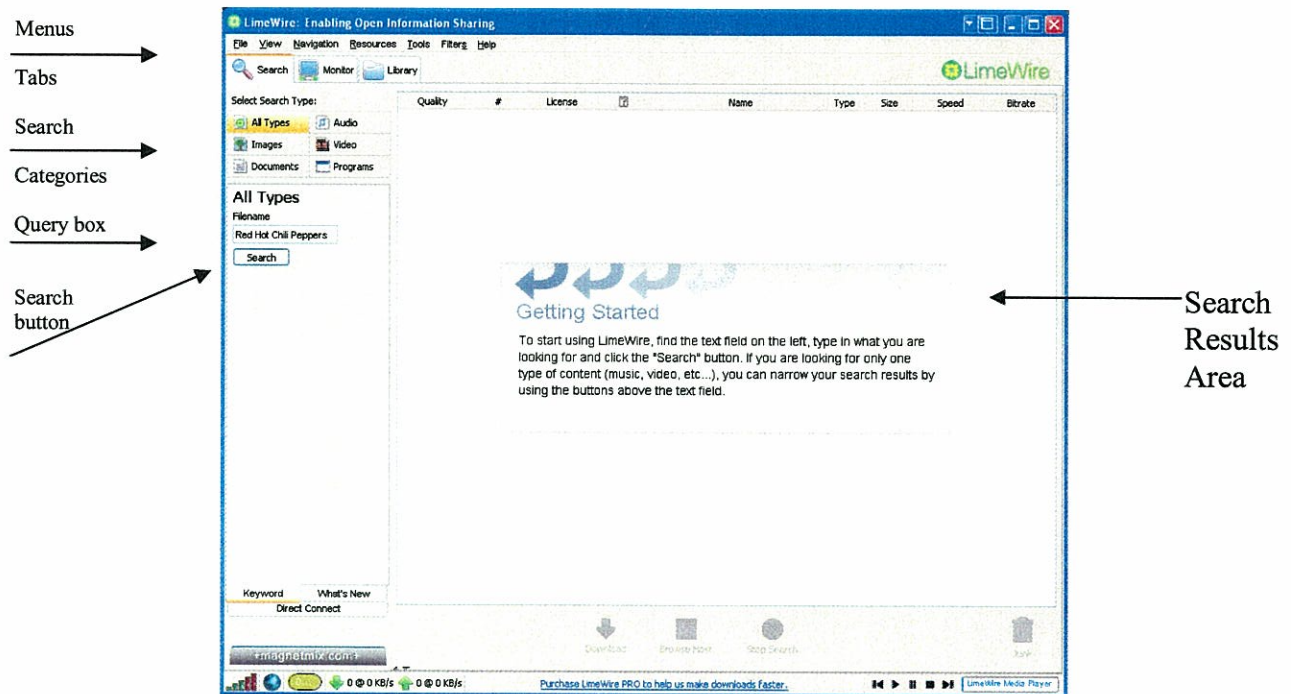
Figure 3: LimeWire Tools | Options Window Showing the Saving Options

43. This window includes all of the user adjustable settings of the LimeWire application organized according to the categories shown in the leftmost portion of the window. In subsequent sections, I will review some of these settings.

<sup>17</sup> Version 4.16.6 asks the user to choose “Broadband (or unsure)” or “Dial Up”.

C. **Basic Functionality**

44. Figure 4 shows the initial LimeWire version 4.14.10 window as it appears on startup, running under Microsoft Windows, except for the text I have entered in the query box, which would normally be empty upon startup.



**Figure 4: Initial LimeWire Window**<sup>18</sup>

45. The window in Figure 4 is divided into several areas. At the top are menu items named: File, View, Navigation, Resources, Tools, Filters, and Help. Below that there are three tabs labeled: Search, Monitor, and Library.<sup>19</sup> The Search tab is currently being displayed. Looking further down the left side one sees the various search categories: All Types, Audio, Images, Video, Documents, and Programs. Beneath the search categories,

<sup>18</sup> The text on the Initial LimeWire Window in version 4.16.6 (as of April 17, 2008) has been changed to: "Get Started - To start using LimeWire, type a keyword into the 'Filename' area to the left and click 'Search'. You can narrow your search by selecting a type (audio, images, video, etc.) and then add appropriate details to your search."

<sup>19</sup> Version 4.16.6 also contains a tab entitled New@Lime, which displays a webpage from Lime Wire LLC.



there is the phrase “All Types” and underneath that a text box where I have entered the phrase “Red Hot Chili Peppers.” Clicking on the Search button produces the results shown in Figure 5.

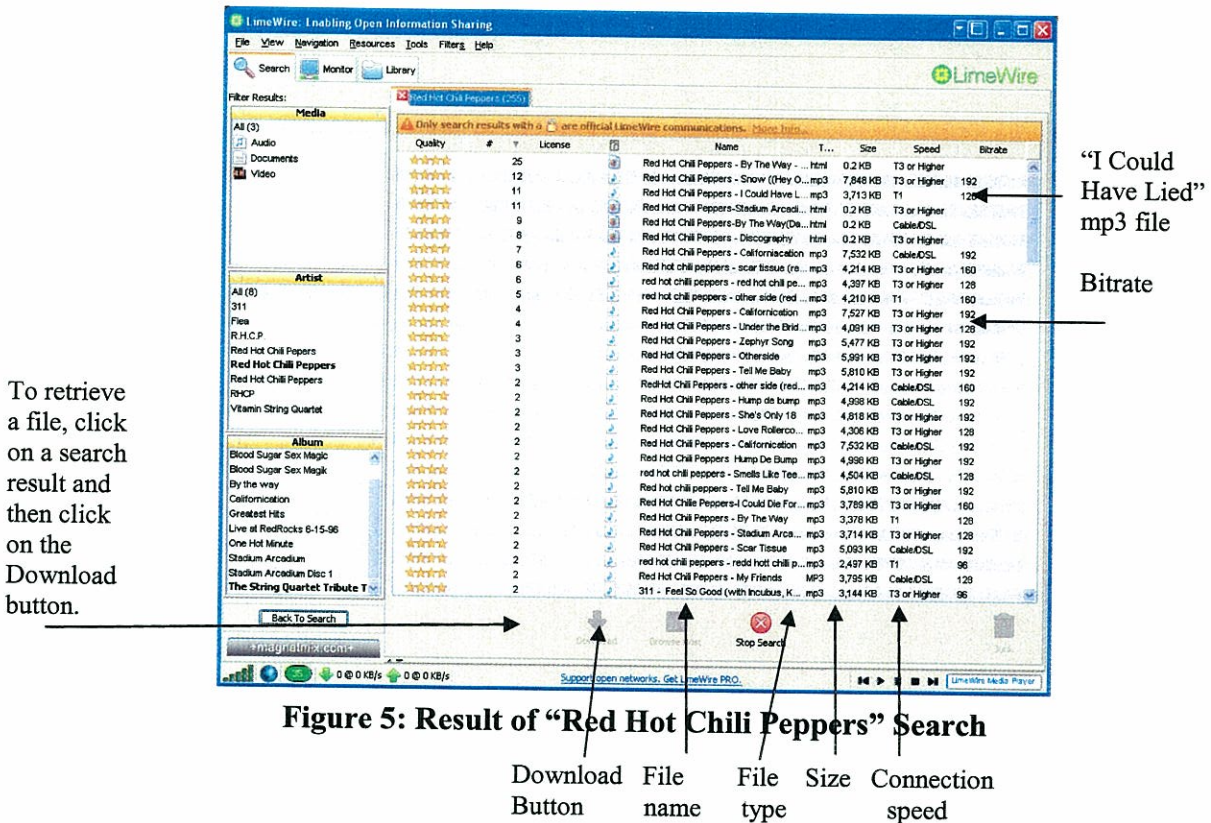


Figure 5: Result of “Red Hot Chili Peppers” Search

46. The result of the All Types search for Red Hot Chili Peppers produces 255 results. Each individual result is listed in the windowpane on the right (only 30 are visible). Scanning the visible results one sees that they all have four gold stars indicating a top quality result. Almost all of the results are mp3 files, i.e., music files. Selecting any one of the files (e.g. “I Could Have Lied” which is the third result having eleven sources), and clicking on the download button, will cause LimeWire to retrieve the file. The resulting window showing the completely downloaded file is shown in Figure 6.

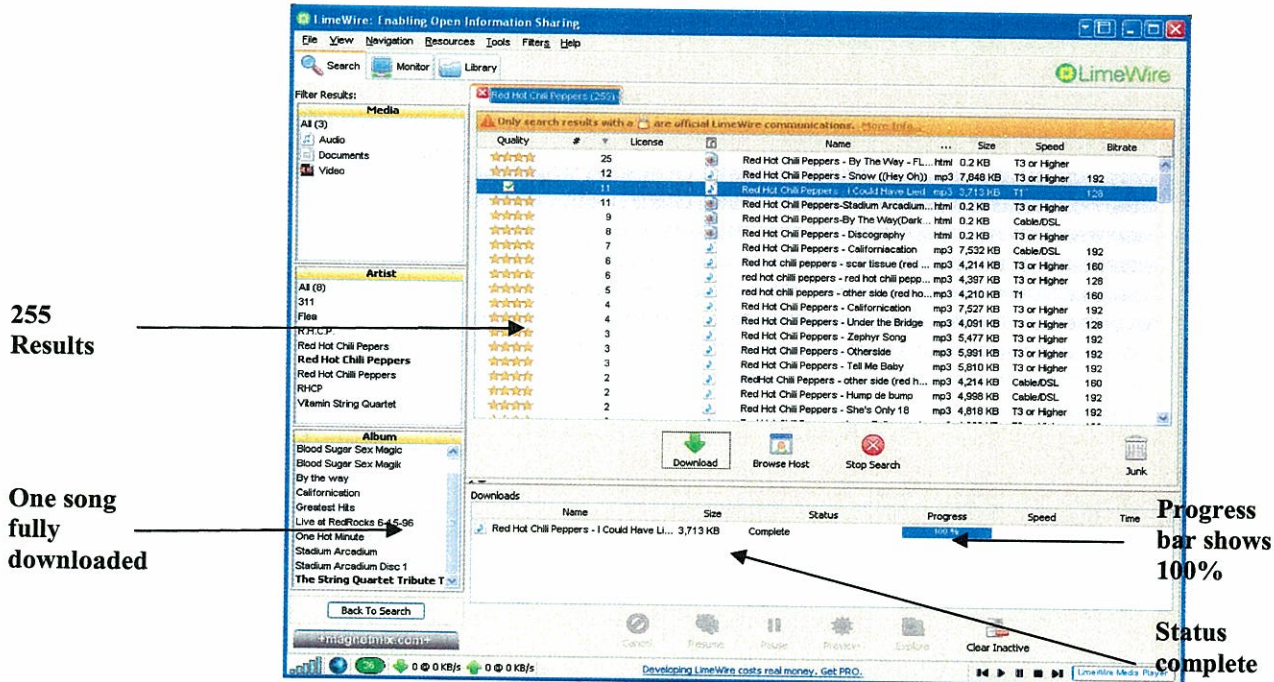


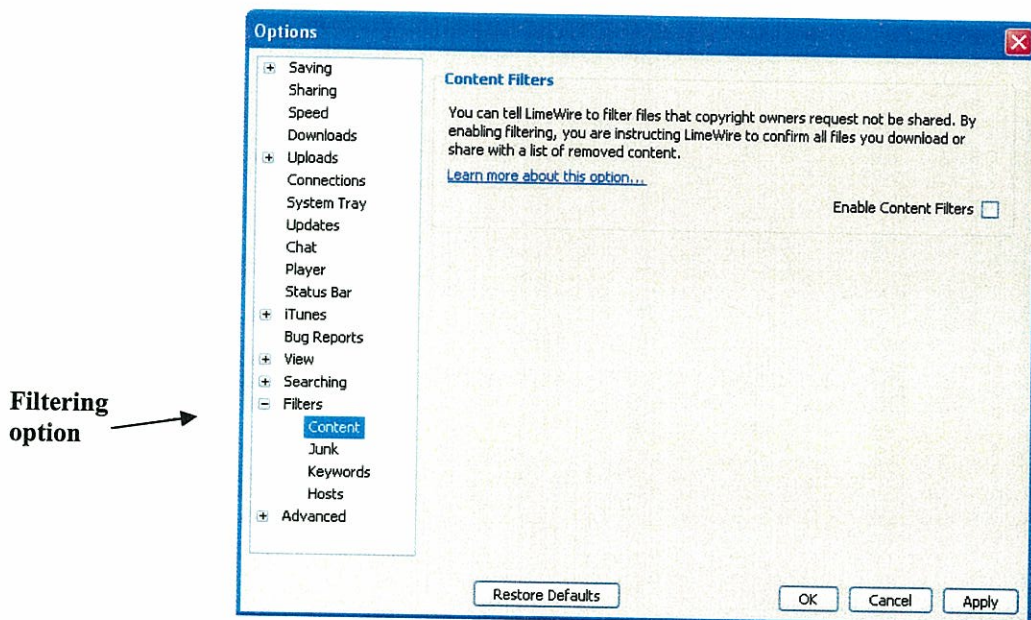
Figure 6: Result of Downloading One mp3 Song

47. A basic assumption about LimeWire’s search capability is that the user-supplied keywords will appear in the file name that the user is seeking, resulting in the file’s inclusion in the search result list. Users learn to supply keywords that match closely or exactly the title and/or artist of the desired content, understanding that such keywords are the best way to locate the file they are seeking.

**D. Filtering Options**

48. LimeWire contains features that purport to filter search results on various bases. Users may configure the LimeWire filtering settings by selecting the menu option Filters | Configure Content Filters, as shown in Figure 7.





**Figure 7: LimeWire Filters Content Window with Filtering Not Enabled**

49. The LimeWire Filters option is divided into four parts: Content, Junk, Keywords, and Hosts. The Content screen is displayed above.

50. The Filters | Content option is essentially a single toggle or checkbox. When selected, it purportedly filters files that content owners have requested not be shared. The Content Filter window claims that LimeWire will “confirm all files you download or share with a list of removed content,” and presumably reject such files if they occur on their restricted list. As I mentioned, the Filters | Content is by default set to OFF. There is no technical reason why Lime Wire LLC could not have set the default to ON.

51. The Filters | Junk option contains a set of directives for where search result files determined to be junk should be placed in a search result list. Possibilities include the following: to place junk at the bottom of search results, to display junk in place and to not display junk at all. There is a slider that controls the sensitivity of LimeWire’s junk filter, extending from “Relaxed” to “Strict.” Lime Wire LLC relies upon the user to designate items

as junk. To mark a search result as junk, the user first selects the file in the search result list, and then invokes a menu option labeled “Junk.” Subsequent searches that turn up the same search result will show a trash bin under the Quality column.

52. The Filters | Keywords option allows a user to enter a set of keywords that will be used to “filter out search results containing specific words,” see Figure 17 ahead. This window also contains the “Ignore Adult Content” filter (initially set to OFF) as well as Ignore .htm/.html Files, Ignore .vbs Files and Ignore .wmv/.asf Files, the last two of which are initially set to ON.

53. The Filters | Hosts option allows a user to use various methods to prevent certain categories of hosts from communicating with his version of LimeWire.

**E. *Browse Host***

54. LimeWire contains a feature that allows users to see all the files being shared by another user. The Browse Host command will contact the peer associated with the selected search result and display *all* of the peer’s shared files. This is a simple way for a searcher to discover everything that someone has in his/her LimeWire share directory and access it. Clicking on the Browse Host icon placed prominently at the bottom of the search results produces a new search with all of the search results coming from a single host whose IP address is listed at the top of the search results area. There is no user-settable option to prevent a peer from allowing other peers to examine all of the files that the peer is making available.