

# **EXHIBIT A-6**

**iii. SIMPP Banned IP List**

80. A third way is for Lime Wire LLC to send out a list of banned IP addresses to clients using the SIMPP functionality (see ahead to Section F(i)). Until recently, use of this list was mandatory.<sup>29</sup> This can be seen in Exhibit D where a sample list of hostile IPs has been extracted from a simpp.xml file. I undertook comparisons between the IPs listed in simpp.xml and hostiles.txt and found overlap between the two.

**C. *Lime Wire LLC has implemented features that restrict sharing of certain files, but do not affect sharing of unauthorized works***

**i. Controls for Sensitive Files**

81. Over the years, LimeWire versions have varied in the way they determine which folders will contain files to be shared. In LimeWire's early versions, e.g. 4.4, upon installation, a search wizard would scan the hard drive of a user's computer and present the user with a list of folders that the user might want to share with others. Users who simply accepted the wizard's recommendation could find that they were inadvertently sharing files they did not mean to share, including unauthorized works and sensitive personal files. Later versions of LimeWire, e.g. version 4.13, removed the scan for files wizard, but still retained features that were potentially confusing, e.g. folders marked as shared were recursively<sup>30</sup> shared, and sharing was not turned off despite a user selecting the "Use Default" setting. More recent versions of LimeWire, e.g. 4.14, now prevents the user from

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<sup>29</sup> Use of this list is now optional, but is still active by default.

<sup>30</sup> All folders in the path of the root folder are sharable, e.g. all sub-folders and their sub-folders, etc, are sharable.

sharing C:\ (normally a root directory on a Windows machine), and also they provide a warning if a user tries to share their MyDocuments folders.<sup>31</sup>

82. Similar controls do not exist to protect against the sharing of folders very likely to contain unauthorized works. For example, iTunes on Microsoft Windows uses the default folder of MyDocuments\My Music\iTunes, but LimeWire does not present a warning to users who elect to share their iTunes download folder (into which iTunes will place files ripped from CDs or purchased from the iTunes service). Similarly, there is no warning against sharing the folders to which Windows Media Player rips CDs by default. Moreover, LimeWire will not present a user who elects to share file types that are almost certainly unauthorized. For example, LimeWire will not warn users who may share m4a files, which are DRM-free files either downloaded from iTunes or ripped from a CD using the iTunes application. Even if a user selects the “Do Not Share Sensitive File Types” option in the Sharing: Types window, these files will remain sharable.

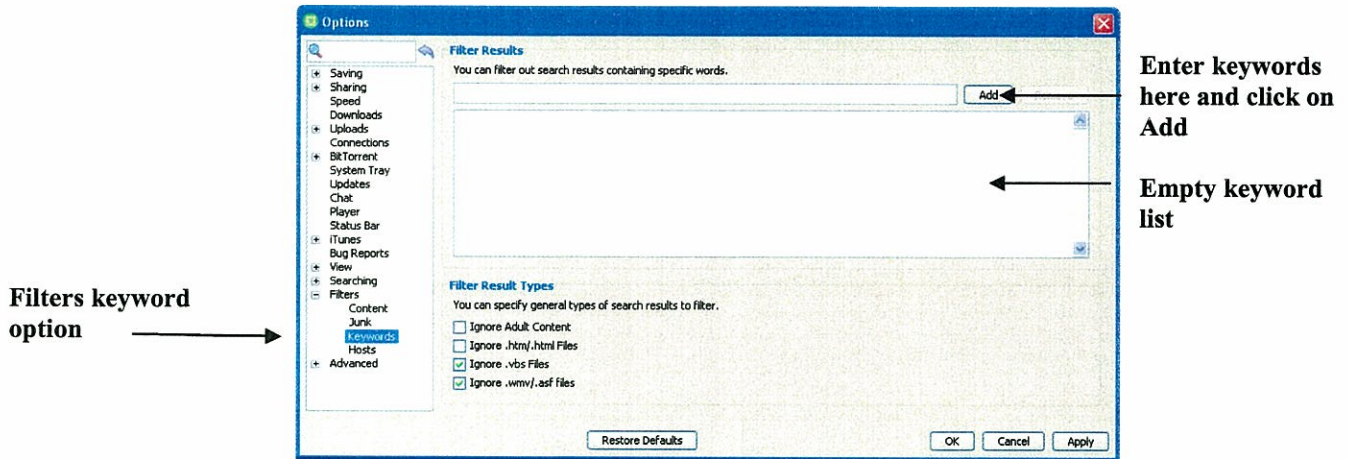
**ii. Keyword Filtering**

83. LimeWire includes the ability to filter results based on keyword. There are four checkboxes located at the bottom of the keyword filter screen. Two of the checkboxes are initially ON (i.e., checked). These cause the program to avoid files whose file suffix is vbs, wmv, and asf. These are all Microsoft file types designating media files of various encodings. One of the two initially unchecked boxes would filter all static web pages (i.e., pages ending in htm or html). Finally, there is the checkbox labeled “Ignore Adult Content,” which is initially turned OFF. When turned ON, it causes the program to apply 32

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<sup>31</sup> LimeWire also prevents users from sharing (or gives warnings) if users try to share other root drives or folders such as C:\Program Files.

terms that are defined within the LimeWire source code,<sup>32</sup> checking each of the terms against the name of a search result. Any matches are deleted from the search result list.



**Figure 17: LimeWire's Options | Filters | Keywords Screen**

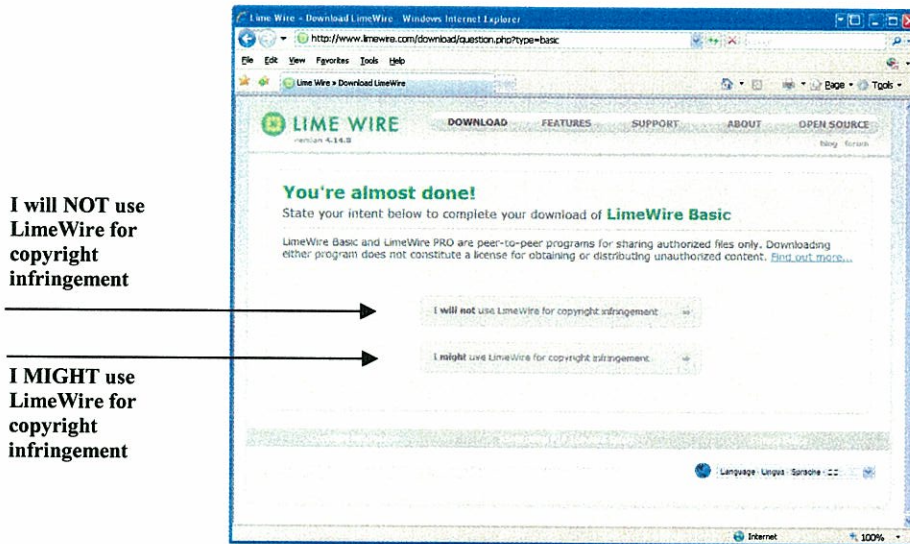
**D. *Lime Wire LLC's current features and technologies that purport to reduce infringement are not effective***

84. Lime Wire LLC has implemented features and technologies purportedly to reduce the traffic in unauthorized works; however, these measures are simply not effective and are, instead, merely cosmetic.

**i. *Weak and Ineffective Efforts to Prevent Likely Infringers from Downloading the LimeWire Software***

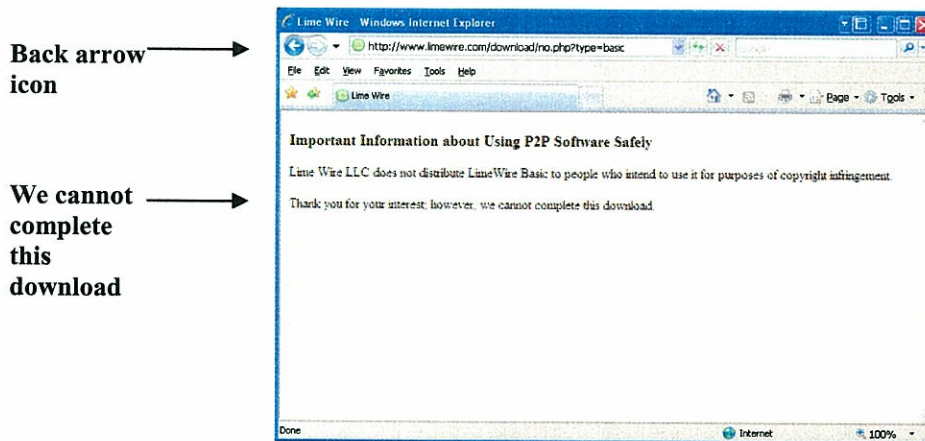
85. During the course of downloading the LimeWire program (regardless of version) from Lime Wire LLC's website, the downloader is shown the page in Figure 18 (the figure below appears when Lime Wire Basic is chosen):

<sup>32</sup> See the list of adult filter terms in <https://www.limewire.org/fisheye/browse/limewire/core/com/limewire/gnutella/filters/KeywordFilter.java> (v 1.21).



**Figure 18: Lime Wire LLC Page Asking Users to Declare Their Intentions**

86. Selecting “I might use LimeWire for copyright infringement” produces a page shown in Figure 19 below that says, in part, “we cannot complete this download.”



**Figure 19: LimeWire Page If “I might use LimeWire for copyright infringement” is Chosen**

87. However, one can immediately (and obviously) select the previous page command (or click on the Back arrow icon) on the browser, return to the previous page and instead select “I will not use LimeWire for copyright infringement.” The downloader can then select their platform and the download will proceed.

88. Lime Wire LLC could, for example, send users who indicated that they “might” use the software for copyright infringement a software cookie that would prevent users from easily returning to the initial intent-declaration page and changing their answer.<sup>33</sup> Admittedly, this would not provide complete protection against a user circumventing the control and downloading the software, but it would prevent some users – who have explicitly declared that they would consider using LimeWire for copyright infringement – from easily acquiring the software.

89. Moreover, even this minimal attempt to control those who download LimeWire is not present if a user downloads the application through another, authorized site, such as Download.com. If a user downloads the application through Download.com, the user is never asked to state any intentions with regard to their use of the software and, instead, the download of the installer begins immediately. This is also true of other sites offering LimeWire, such as [www.gnutelliums.com](http://www.gnutelliums.com).

**ii. Default Filtering Settings Ineffective**

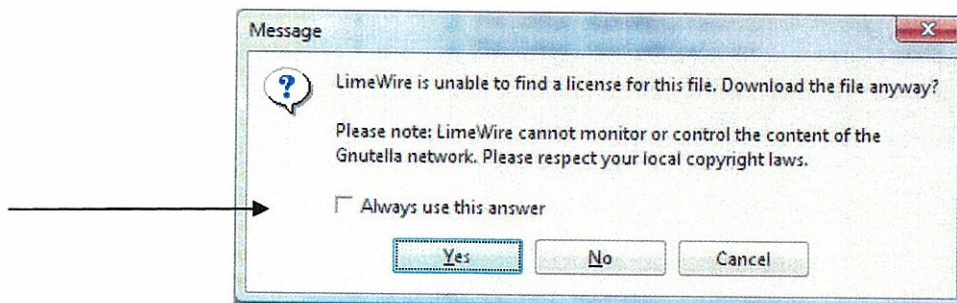
90. If users install LimeWire without altering the various options that are available, then Content Filters, Junk Filter, and Ignore Adult Content are all set to OFF, and the Keyword Filters list is empty. Though LimeWire has the ability to filter search results, it makes no initial effort to do so. The above settings make it easier for users to locate and download unauthorized works.

91. Although LimeWire will initially warn a user that the user is about to download an “unlicensed” file (see Figure 20), the program allows the user to simply dismiss

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<sup>33</sup> Lime Wire already uses cookies on its website. For example, Lime Wire uses cookies to remember a user’s language preference selection.

the warning, and then to avoid all subsequent warnings by clicking the checkbox labeled “Always use this answer” and then clicking on “Yes.”



**Figure 20: Download Warning in LimeWire is Easily Subverted**

92. Moreover, Lime Wire LLC does not attempt to provide any warning if a user attempts to share a file that is unlicensed.<sup>34</sup> Users are free to share all files no matter whether there is any license attached or evidence that the user is in fact the owner of the file’s content and has the right to share or publish the material.

**iii. Hash-Based Filter Ineffective**

93. Another purported means of filtering unauthorized works introduced by Lime Wire LLC is a “hash-based” filter, also known as the “Content Filter.” The default, as mentioned earlier, in LimeWire is to have the setting “Enable Content Filters” set to OFF.

94. The “Learn More about this option” link takes you to <http://www.limewire.com/about/copyright.php>. Among the discussion on the page, the following paragraph appears:

“The LimeWire filtering feature is designed to help users share legally while protecting copyright owners. When filtering is enabled, LimeWire checks the status of the files before downloading them. *If a*

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<sup>34</sup> In addition, it is possible to “spoof” a link to a Creative Commons license, thereby making unauthorized works appear to be licensed.

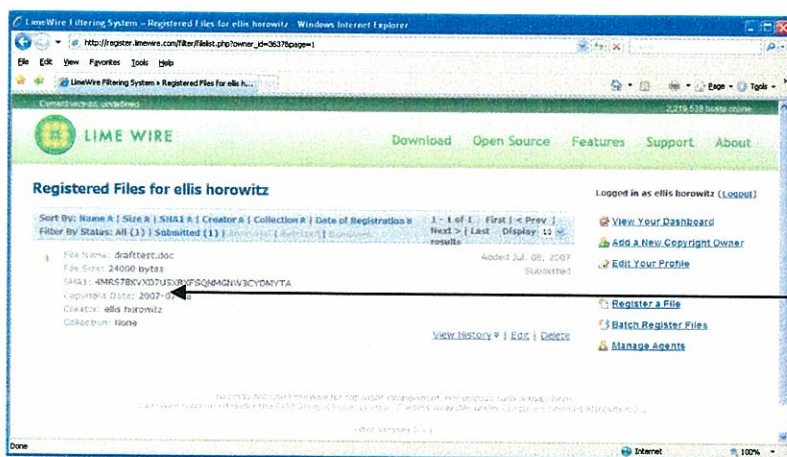
copyright owner has requested that a file not be shared, LimeWire prohibits the downloading of that file. Enabling Filtering helps users share files with LimeWire more safely and responsibly. At the time of installation, you will be prompted to select your filtering options. At any time, you can set Filtering Options by selecting 'Filters' in the menu and then 'Configure Content Filters'. This will open the 'Content' section of 'Filters' in the Options dialog, and allow you to check the 'Enable Content Filters' checkbox.” (Emphasis added)

95. To use this system, a content owner must first sign up for an account.

For each file, the owner must provide:

“each file’s metadata and description. The most crucial piece of metadata is the file’s SHA1 hash, a mathematical summation that uniquely identifies a file and cannot be faked. LimeWire’s Filtering System consults our database of files and SHA1 hashes each time a user attempts to download a file. If the file has been blacklisted, LimeWire stops the user from downloading the file.”<sup>35</sup>

96. Figure 21 shows a single file that has been registered as an unauthorized work using LimeWire’s system.



File: drafttest.doc  
Size: 24000 bytes  
SHA-1: 4MRS7B.  
Etc.

Displays file name, file size, SHA1, copyright date, and creator

**Figure 21: A File Registered in Lime Wire LLC’s System**

97. Though Lime Wire LLC specifically says, “If a copyright owner has requested that a file not be shared, LimeWire prohibits the downloading of that file,” this

<sup>35</sup> See <http://register.limewire.com/filter/>.