

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARISTA RECORDS LLC; ATLANTIC RECORDING CORPORATION; ARISTA MUSIC, fka BMG MUSIC; CAPITOL RECORDS LLC fka CAPITOL RECORDS, INC.; ELEKTRA ENTERTAINMENT GROUP INC.; INTERSCOPE RECORDS; LAFACE RECORDS LLC; MOTOWN RECORD COMPANY, L.P.; PRIORITY RECORDS LLC; SONY MUSIC ENTERTAINMENT, fka SONY BMG MUSIC ENTERTAINMENT; UMG RECORDINGS, INC.; VIRGIN RECORDS AMERICA, INC.; and WARNER BROS. RECORDS INC.,

Plaintiffs,

v.

LIME WIRE LLC; LIME GROUP LLC; MARK GORTON; GREG BILDSON; and M.J.G. LIME WIRE FAMILY LIMITED PARTNERSHIP,

Defendants.

06 Civ. 05936 (KMW)
ECF CASE

DECLARATION OF THOMAS SEHESTED IN SUPPORT OF PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT REGARDING DIRECT INFRINGEMENT OF THE WORKS AT ISSUE

I, Thomas Sehested, the undersigned, hereby declare:

1. I am the founder and Senior Vice President of Anti-Piracy of DtecNet Software (“DtecNet”), a company that specializes in gathering evidence from the Internet. I have substantial experience relating to the protocols, technical architecture, and operation of the Internet. I make this declaration upon personal knowledge, and if called as a witness I could and would testify competently to the facts stated herein.

2. Attached hereto as Exhibit A is a true and correct copy of the “Percipient Witness Statement of Thomas Sehested,” dated September 30, 2010, that I prepared in connection with this matter. The statements contained in this document were true and correct at the time they were made, and remain true and correct to this day.

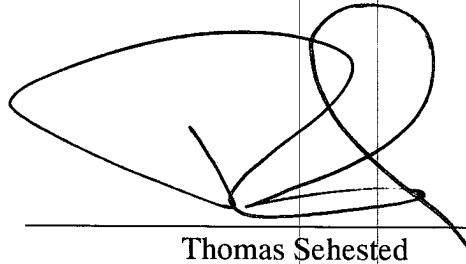
3. Gnutella clients such as the LimeWire application communicate what kind of client they are at the time they connect to other clients. As part of the download project described in my September 30, 2010 Percipient Witness Statement, DtecNet connected only to clients identifying themselves as “LimeWire” and collected this information at the time of each download. Although it is theoretically possible for a Gnutella client to describe itself as a different client than it actually is, this would require the use of specialized software specifically developed to mask or alter the client’s true identity. In my experience, such software is neither widely available nor routinely used by Gnutella users. The likelihood that a typical Gnutella user would be employing such software, or using such a feature even if the software were available, is very low.

4. A trace route is a listing of Internet routers that are responsible for moving packets from one node on a network to another node. A trace route can change at a moment’s notice for a number of reasons. The most definitive evidence of a download is the actual data

packets and verification files, which contain information including the origin and destination IP addresses, the timestamp of the download, and the nature of the downloaded content. These files verify where and when the download began and finished. The particulate route the data took is not necessary to verify the act and substance of each download.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: January 27, 2011
Los Angeles, CA



Thomas Sehested