EXHIBIT 6

| | | Case3:10-mc-80276-JSW Do | ocument14 | Filed11/16/10 | Page1 of 3 | |
|---|---|---|---|--|--|---------------|
| Winston & Strawn LLP 101 California Street San Francisco, CA 94111-5802 | 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 | Andrew P. Bridges (SBN: 122761) abridges@winston.com Matthew A. Scherb (SBN: 237461) mscherb@winston.com Robyn Callahan (SBN: 225472) rcallahan@winston.com Kathleen Lu (SBN: 267032) klu@winston.com WINSTON & STRAWN LLP 101 California Street San Francisco, CA 94111-5802 Telephone: (415) 591-1000 Facsimile: (415) 591-1400 Attorneys for Movants ELECTRONIC FRONTIER FOUNDA' FRED VON LOHMANN UNITED NORTHER | STATES DISTRICT FRANCISCO () [() 1 () 1 () 1 () 1 () 1 () 1 () 1 () 1 | STRICT COURT OF CALIFORM O DIVISION Case No. 3:10-ma Related to Arista No. 06-5936 (KM DECLARATION LOHMANN IN S MOTION TO QU | F. NIA Records v. Lime in the control of the contr | V XPEDITED |
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| I, Fred | von Lohmann, declare pursuant to 28 U.S.C. § 1746 as follows: |
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| 1. | I am a licensed attorney and a member in good standing of the California State Bar |

Association. My Bar number is 192657.

- From August 2001 until June of this year, I was a staff attorney employed by the 2. Electronic Frontier Foundation ("EFF"). The positions I held while at EFF were Senior Intellectual Property Attorney and Senior Staff Attorney.
- 3. In 2001, prior to joining EFF, I wrote an article on the state of the law for secondary liability for copyright infringement. A 2001 version of that article was attached to the Boyd Declaration (Dkt. 9-4) as Exhibit 4. Over time, I changed this article as the law changed.
- 4. While working for EFF, I represented various clients, including Lime Wire LLC ("Lime Wire").
- 5. I believe Mark Gorton first contacted me in or about 2002 seeking legal advice and counsel to Lime Wire, which I provided to Lime Wire at his request.
- 6. I continued to provide legal advice and counsel to Lime Wire from time to time, including to Mr. Gorton and other personnel at Lime Wire, until I left the employ of EFF in June 2010.
- 7. While the very nature of the privilege makes it impossible to provide detail, I can attest that:
 - a. My advice to Lime Wire was legal advice in my professional capacity.
 - b. I provided legal advice to Lime Wire in the course of a professional relationship.
 - c. The communications I had with Lime Wire related to the attorney-client relationship, and both Lime Wire and I intended for those communications to be protected by the privilege.
 - d. I have diligently kept confidential the communications between myself and Lime Wire.
- 8. The Amicus Brief that EFF filed together with other interested groups and associations, in Arista Records v. Lime Wire LLC, Case No. 06-5936 (KMW) (S.D.N.Y.) was not submitted on behalf of either party in the case.

| | | Case3:10-mc-80276-JSW Document14 Filed11/16/10 Page3 of 3 | | | | | | | |
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| | 1 | 9. Neither Mark Gorton nor anyone else at Lime Wire has ever given me or EFF | | | | | | | |
| | 2 | permission to disclose any attorney-client privileged communications or attorney work product | | | | | | | |
| | 3 | associated with the legal services that EFF and I provided. | | | | | | | |
| | 4 | I declare under penalty of perjury that the foregoing is true and correct. | | | | | | | |
| | 5 | Executed: November 16, 2010 | | | | | | | |
| | 6 | <u>/s/</u> Fred von Lohmann | | | | | | | |
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