



From the Desk of  
Paul A. Lesko (IL, MO, LA)

April [redacted] 2013

[redacted]

**RE: INFRINGEMENT OF U.S. COPYRIGHT REGISTRATION NO.  
For Settlement Purposes Only  
Inadmissible Under Federal Rules of Evidence Rule 408**

Civil Action Name: reFX Audio Software Inc. v. Does 1-123  
Docket Number: DCO: Case No. 1:12-cv-03146-WYD-KMT  
Your IP Address: [redacted]  
Date and Time of Alleged Infringement: [redacted]  
**Your Unique Identifier:** [redacted]

Dear [redacted]

Our law firm has filed a copyright infringement lawsuit in the U.S. District Court for the District of Colorado on behalf of our client reFX Audio Software, Inc.. The suit was filed against 123 "John Doe" Defendants that our technical agent identified as unlawfully uploading a pirated version of the software "Nexus2" over the Internet through the use of BitTorrent file-sharing protocol. At the time of filing, our technical agent was in possession of certain evidence connecting you to those involved in the unlawful transfer of the pirated version of "Nexus2."

Specifically related to you, we were able to determine that on [redacted] someone using your IP Address [redacted] assigned to you on this date by your ISP, Comcast Corporation, used [redacted] to transfer our client's movie "Nexus2," through hash file (which identifies the pirated version of "Nexus2" you transferred) 68EA2EE5281DD2FBA6A33EDB4723209488027192 to others.

The District of Colorado granted us permission to obtain discovery from the ISPs, to help us determine the name and address of the 123 account holders from the above information. Your Contact information was supplied to us by Comcast Corporation as the contact information on the account affiliated with John Doe [redacted]. This account unlawfully shared our client's software on [redacted]

Because you are the account holder for the identified IP address, the next step is for us to amend the complaint in order to personally name you (and the other John Doe Defendants). After that we will proceed by taking detailed discovery of you to determine all details regarding the infringement, including specific individual(s) involved. As the account holder, you will be instrumental in this process.

www.simmonsfirm.com

<b>Headquarters</b> One Court Street Alton, IL 62002	800 479 9533 618 259 2222 p 618 259 2251 f	<b>St. Louis</b> 231 S. Bemiston Suite 525 St. Louis, MO 63105	800 479 9533 p	<b>Chicago</b> 230 W. Monroe Suite 2221 Chicago, IL 60606	312 759 7500 p 312 759 7516 f	<b>El Segundo</b> 100 N. Sepulveda Blvd. Suite 1350 El Segundo, CA 90245	310 322 3555 p 310 322 3655 f	<b>San Francisco</b> 455 Market Suite 1150 San Francisco, CA 94105	415 536 3986 p 415 537 4120 f
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Copyright infringement is an unlawful act. The Copyright Act (17 U.S.C. §§ 501-506) allows the copyright owner to bring an action against the infringer for damages of between \$750 and \$150,000 per infringing work, to obtain from the infringer its own attorneys' fees accrued in enforcing the copyright, and to seize the illegally transferred materials (depending on the circumstances surrounding the infringement).

While it is too late to undo the unlawful file sharing, we have prepared a settlement offer that would allow our client to recoup the damages incurred by actions associated with your account, and defray the costs of preventing this type of activity in the future. In exchange for release of all claims which will enable you to avoid becoming named in this action and undergoing discovery, our firm is authorized to accept the sum of \$4,000 as full settlement for these claims.

In light of the verdicts awarded in recent cases and statutory parameters, our client's \$4,000 settlement offer is extremely reasonable. For example, in the case of *Capitol Records, Inc. v. Thomas-Rasset*, the Eighth Circuit Court of Appeals upheld the District Court's award of \$222,000 due to a woman's unlawful downloading and sharing of 24 songs (which works out to \$9,250 per song). The maximum amount of fees provided under the Copyright Act for copyright infringement is up to \$30,000 per illegally transferred file, plus attorneys' fees and costs of litigation. Where these actions are proven to be willful, the maximum amount of fees provided under the Copyright Act for copyright infringement is \$150,000.

Please be advised that this offer expires at 4:00 pm EST on May █, 2013. You may pay the settlement amount in one of three ways:

- Access our website ([www.copyrightguardiangroup.com](http://www.copyrightguardiangroup.com)) to pay by credit card;
- Mail a check or money order made payable to **The Simmons Firm** to One Court Street, Alton, Illinois 62002, please include your Unique Identifier, listed above, in the memo line on the check;  
OR
- Call us at **855-406-9553** to process a credit card payment over the telephone.

Once we have processed your settlement payment, we will send you a confirmation that your payment has been received as well as a signed release. We will also move to dismiss you from the lawsuit. In addition to paying the \$4,000 settlement, you must also delete the file from the shared folder or location within three (3) days of making the settlement payment.

Should you reject our offer, please be advised that we insist that you do not delete any media files from your computer because such materials will be requested by us, and therefore need to be produced by you, during this case. Should you engage in the deletion of any such evidence in your computer or possession, you could be found to have spoliated evidence, which could allow for us to receive additional damages.

In view of the above, we encourage you to consult with an attorney regarding your rights and risks in this matter.

You can learn more about this case and see court documents at [www.copyrightguardiangroup.com](http://www.copyrightguardiangroup.com). You can use your Unique Identifier, listed above, to access this website.

We thank you in advance for your anticipated cooperation in this matter, and look forward to resolving this action amicably.



Sincerely,

Paul A. Lesko  
Attorney at Law

Enclosure