

202 429 6749  
mallan@steptoe.com

1330 Connecticut Avenue, NW  
Washington, DC 20036-1795  
202 429 3000 main  
www.steptoe.com

**Steptoe**  
STEPTOE & JOHNSON LLP

April 1, 2016

***Protected Settlement Communication  
Fed. Rule Evidence 408***

**VIA FEDEX**

John P. Fletcher, Esq.  
Executive Vice President and General Counsel  
Windstream Corporation  
4001 Rodney Parham Rd.  
Little Rock, AR 72212

**Re: *Infringement of BMG Rights Management (US) LLC's copyrights on  
Windstream's network***

Dear Mr. Fletcher:

This firm represents BMG Rights Management (US) LLC ("BMG") in intellectual property litigation and related matters. We write concerning the infringement of BMG's copyrights using the Windstream network. We understand that in December you contacted BMG's agent, Rightscorp, to discuss a solution to this ongoing infringement. We are hopeful that a resolution can be reached.

As you know, BMG, through Rightscorp, has for years notified Windstream of pervasive infringement of BMG's copyright through its network. The notices have contained detailed information concerning the infringing activity including the date and time of the infringement, the IP address and port number associated with the infringer, the hash value of the infringing content and more. In addition, Rightscorp has provided Windstream with access to a Dashboard that allows Windstream to view both historic and real time infringement of BMG's copyrighted works on its network. BMG has also sent Windstream summary letters, detailing the infringement of its copyrights on Windstream's network and requesting Windstream to take appropriate action. By and through these means, Windstream has knowledge of the infringement of BMG's copyrights over its network.

Notably, the infringement using Windstream's network is extensive. Since Rightscorp began monitoring BMG's copyrights, it has identified millions of instances of infringement involving thousands of BMG copyrighted works using the Windstream network.

John P. Fletcher, Esq.  
April 1, 2016  
Page 2



The volume of infringement indicates that Windstream is allowing repeat infringers to use its network to continue their infringement of BMG works even after Windstream has been notified of their specific instances of infringement. Windstream's knowledge and allowance of unchecked infringement to occur using its network makes it liable for secondary copyright infringement and actual or statutory damages as high as \$150,000 per infringed work.

We suggest the parties begin an open dialogue to discuss an amicable resolution to this ongoing and damaging infringement that would include a means of preventing or limiting future infringement and appropriate compensation to BMG.

We would appreciate your response by April 15th.

Nothing in this letter is intended to waive any of BMG's rights, all of which are expressly reserved.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael J. Allan".

Michael J. Allan

cc: Keith Hauprich, Esq.