

MARK LYON

Please Visit  
SonySuit.com

November 16, 2005

Mr. Andrew Lack, CEO  
SONY BMG Music Entertainment  
550 Madison Avenue  
New York, NY 10022

Dear Mr. Lack:

I write to you as an angry and disappointed customer of SONY America and SONY BMG Music Entertainment.

I spend a large amount of time listening to music. I subscribe to satellite radio, and frequently purchase the music of artists I enjoy. I sometimes encode the CDs as MP3 files so that I can listen to them on my digital music player, and usually make a backup copy to use in my car to protect the original from damage.

I purchased Our Lady Peace - Healthy in Paranoid Times and listened to it using my laptop computer. The CD informed me that your company intended to impose limitations on my use of the CD, but would allow me to use some other digital version of the music than MP3 and would allow me to make a backup copy. Those limitations unfairly restricted my full legal right to the CD, but I was willing to accept the terms as advertised. I was disappointed, however, that I had paid full price to receive a lesser product. My disappointment did not end there, however, because SONY BMG Music Entertainment lied about what, exactly, the software was going to do. Because I mistakenly trusted your company, my computer is now infected with the First 4 Internet XCP Rootkit.

I have recently become aware that when the CD installed the player, it also installed programs on my machine that attempted to hide themselves from me, constantly monitored my CD-ROM drive, and reported to your servers each time I played the CD. None of these actions was performed with my permission, or even my knowledge.

Mr. Hesse said on a radio program, "Most people, I think, don't even know what a rootkit is, so why should they care about it?" Users like me do know what a rootkit is, and we care about the security of our computers. In addition to the unauthorized use of my machine, your poorly written rootkit (and the update and removal patch) has exposed my machine to the threat of computer viruses, web-based ActiveX attacks, and other security vulnerabilities. Further, my laptop now runs slowly and frequently crashes.

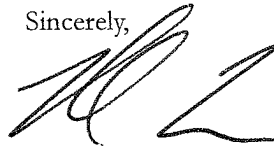
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None of this is acceptable. Your company has failed to provide me with an acceptable way to remove the First 4 Internet XCP Rootkit, and my machine is now unusable. I desire to quickly resolve this matter. I would be willing to offer a full and complete release of my claims in exchange for:

- 1) instructions on how to completely remove the First 4 Internet XCP Rootkit without installing or adding additional software to my machine OR if such a method of removal is not possible, the cost of a replacement laptop and software;
- 2) a copy of Our Lady Peace - Healthy in Paranoid Times that is not hampered by either the First 4 Internet XCP Rootkit or other DRM software; and
- 3) fair and adequate compensation for your unauthorized use of my computer, my network, my time, and my frustration.

If this matter is not satisfactorily resolved by Friday, December 9, 2005, I will have no choice but to pursue more formal action against your company.

Sincerely,

A handwritten signature in black ink, appearing to read 'ML', written over a horizontal line.

Mark Lyon

CC: Rolf Schmidt-Holtz – Chairman, Sony BMG Music Entertainment  
Howard Stringer – Chief Executive Officer, Sony Corporation  
Ryoji Chubachi, Ph.D. – President, Sony Corporation  
Nicole Seligman – General Counsel, Sony Corporation  
Robert Wiesenthal – Chief Financial Officer, Sony Corporation  
Philip R. Wiser – Chief Technology Officer, Sony Corporation  
Michael Smellie – Chief Operating Officer, Sony BMG Music Entertainment  
Kevin Kelleher – Chief Financial Officer, Sony BMG Music Entertainment  
Lisa Weiss – General Counsel, Sony BMG Music Entertainment  
Tim Prescott – VP Marketing, Sony BMG Music Entertainment  
Thomas Hesse - President, Sony BMG Global Digital Business