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TWIN CITIES

WASHINGTON, DC

March 11, 2011

██████████, Esq.

Perkins Coie
1201 Third Avenue
Suite 4800
Seattle, WA 98101-3099

Re: Face-to-Facebook Matter
Our Matter: 30625-0001001

Dear Mr. ██████████:

I write in response to your February 4, 2011 letter to our clients Paolo Cirio and Alessandro Ludovico, and your subsequent emails to them.

In your February 4 letter, you contend that Messieurs Cirio and Ludovico violated numerous civil and criminal laws by setting up a website that included user profile information that was publicly available and accessible without logging into the Facebook website.

We do not understand Facebook's basis for these allegations. We, therefore, must request that Facebook provide legal support for its position if it intends to pursue this matter so we can properly advise our clients.

As you know, no Facebook account or login was required or used to retrieve any of the information in question. All information that appeared on our client's website was freely available to anyone with a connection to the open Internet. We are thus unaware of any "technical measures employed by Facebook to prevent" the accused activity. Nor do we see how the PHP script that was used to retrieve information was

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██████████, Esq.

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“specifically designed” to evade any such measures, given that no technical measures were evaded.

If Facebook insists on pursuing this matter, please identify what specific “technical measures” Facebook contends were evaded, and how the PHP script was “specifically designed” to evade those measures. If Facebook contends that use of the script violated the Computer Fraud and Abuse Act, we ask that you identify which specific section(s) of the Act that Facebook alleges were violated, and provide authority to support the proposition that merely retrieving data freely available from a public website constitutes a civil or criminal violation of the CFAA.

Facebook also apparently contends that the “Face to Facebook” informational website violates unspecified laws. In particular, to the extent Facebook contends that the mere act of *discussing* activities that Facebook alleges may violate the Computer Fraud and Abuse Act is, itself, a violation of the CFAA, you should be aware that this theory was squarely rejected in *Massachusetts Bay Transportation Authority v. Zack Anderson et al.*, Case No. 08-cv-11364 (Aug. 19, 2008). I have attached a transcript of the relevant hearing from that case for your convenience. If Facebook has some other theory of why the “Face to Facebook” website is unlawful, please explain that theory.

Your February 4 letter sets out seven specific demands. In an email dated February 9, 2011, you further demanded that our clients take down the “Face to Facebook” website. We are aware of no authority that supports Facebook’s demands. If you have authority that you believe supports Facebook’s demands, please identify that authority and we will consider it.

Very truly yours,



Digitally signed by Adam Kessel
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Date: 2011.03.10 20:52:57 -05'00'

Adam J. Kessel

cc: Joel Leviton, Esq.
Matthew Levine, Esq.