

December 22, 2014

Via Email, Facsimile, Overnight Courier

Vijaya Gadde, Esq.
General Counsel and Secretary
Twitter, Inc.
1355 Market St., Ste 900
San Francisco, CA 94103

**RE: Use of Twitter Account to Publish Privileged and/or Confidential Information
Stolen From Sony Pictures Entertainment**

Dear Ms. Gadde:

As you are aware, Sony Pictures Entertainment (SPE) and its employees have been the victims of a theft of data stored on SPE's computers. In an on-going campaign explicitly seeking to prevent SPE from distributing a motion picture, the perpetrators of the theft have threatened SPE and its staff and are using the dissemination of both private and company information for the explicit purpose of harming SPE and its employees and attempting to prevent SPE from distributing the motion picture.

As Twitter is aware, someone using the Twitter account name: @bikinirobotarmy (the "Account Holder") is in possession of, and is using this Twitter account to publish SPE's stolen documents and information (the "Stolen Information"), pursuant to the perpetrators' scheme. The Stolen Information includes, but is not limited to, documents and information protected under U.S. and foreign legal doctrines protecting attorney-client privileged communications, attorney work product, and related privileges and protections, as well as private financial and other confidential information and communications of SPE's current and former personnel and others, confidential personnel data, intellectual property, trade secrets and other business secrets and related communications, and other confidential information. We are writing to confirm, as we believe Twitter is already well aware, that **SPE does not consent to Twitter's or any Twitter account holder's possession, review, copying, dissemination, publication, uploading, downloading, or making any use of the Stolen Information, and to request your cooperation in suspending the Account Holder's Twitter account and the account of any other user seeking to disseminate the Stolen Information via Twitter.**

We understand that the Account Holder's publication of this Stolen Information is (and any other account holder's similar use would be) in violation of numerous provisions of Twitter's Terms of Use, including the prohibitions against (i) publishing copyrighted materials and "other people's private and confidential information...without their express authorization and permission," and (ii) use of Twitter "for any unlawful purposes or in furtherance of illegal activities."

The possession, use, and publishing of the Stolen Information implicates numerous federal and California state laws, including, but not limited to, the Computer Fraud & Abuse Act (18 U.S.C. § 1030), the Copyright Act (17 U.S.C. §§ 501, et seq.), the California Comprehensive Computer Data Access & Fraud Act (Cal. Penal Code § 502), California's Stolen Property Law (Cal. Penal Code § 496), the Uniform Trade Secrets Act (Cal. Civ. Code §§ 3426, et seq.), and the California Unfair Competition Law (Cal. Bus. & Prof. Code §§ 17200, et seq.), among others, especially when such actions are taken knowingly in furtherance of federal and state crimes committed by the perpetrators, including extortion.

We ask that you promptly suspend the Account Holder's Twitter account and:

- (1) notify us using the contact information provided below;
- (2) take all reasonable actions to prevent your company and any of your employees, independent contractors, agents, consultants, account holders, or anyone who may have access to your files from examining, copying, disseminating, distributing, publishing, downloading, uploading, or making any other use of the Stolen Information;
- (3) arrange for and supervise the destruction of all copies of the Stolen Information in your possession or under your control, particularly information protected under U.S. and foreign legal doctrines protecting attorney-client privileged communications, attorney work product, and related privileges and protections, as well as private financial and other confidential information and communications of SPE's current and former personnel and others, confidential personnel data, intellectual property, trade secrets and other business secrets and related communications;
- (4) confirm that such destruction has been completed; and
- (5) comply with all future requests with regard to any other account holder seeking to disseminate the Stolen Information via Twitter.

In addition, we ask that you provide the Account Holder with a copy of this letter, and request that the Account Holder cease publication of the Stolen Information on Twitter.

To discuss matters concerning the Stolen Information, please contact me at dboiesspe@bsflp.com or (914) 749-8245.

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If Twitter does not comply with this request, and the Stolen Information continues to be disseminated by Twitter in any manner, SPE will have no choice but to hold Twitter responsible for any damage or loss arising from such use or dissemination by Twitter, including any damages or loss to SPE or others, and including, but not limited to, any loss of value of intellectual property and trade secrets resulting from Twitter's actions.

To the extent that Twitter has previously suspended the accounts of users publishing the Stolen Information, SPE and its employees are sincerely grateful to you and ask for your continued efforts to ensure compliance with Twitter's Terms of Use and the federal and state laws applicable under the circumstances.

Please note that this letter is provided to you without prejudice and does not purport to address all facts and issues concerning the Stolen Information. SPE expressly reserves all rights, remedies, claims and defenses available to it under applicable law.

Thank you for your anticipated and immediate cooperation regarding this important matter.

Sincerely yours,



David Boies

cc: Leah Weil, Esq.