



March 6, 2009

VIA E-MAIL, FAX and POSTAL MAIL

Alexander M. Weyand
Peterson, Weyand & Martin
[REDACTED]
San Francisco, CA 94105

Re: Your Letter of March 4, 2009

Dear [REDACTED]:

I am the Legal Director and General Counsel of the Electronic Frontier Foundation. Please direct all further correspondence on the above-referenced matter to me. I write in response to your letter of March 4, 2009, demanding a response by noon on March 6, 2009, and asserting that otherwise "the appropriate civil action will be commenced."

As an initial matter, please understand that EFF's discussions with respect to Seer Systems and Stanley Jungleib were in furtherance of EFF's protected right of free speech in connection with a public issue. Your contentions that EFF violated your clients' rights are completely without merit. Before you commence a civil action, we strongly suggest that you and your clients consider the following three statutes:

- California Code of Civil Procedure §425.16, the anti-SLAPP statute,
- California Civil Code §47, privileged publications, and
- California Code of Civil Procedure §340, the statute of limitations for defamation.

This list is not exhaustive of the law that will protect EFF, but we hope that careful review of these statutes will convince you that a lawsuit against EFF will not be successful. Should your clients nevertheless choose to bring an lawsuit, please understand that we will defend ourselves vigorously and will seek all of the remedies against your clients—including attorney fees and costs—that the law allows.

Sincerely,
ELECTRONIC FRONTIER FOUNDATION

CINDY A. COHN
Legal Director and General Counsel

Cc: [REDACTED]