

Sadik H. Huseny
Direct Dial: (415) 395-8116
Sadik.Huseny@lw.com

505 Montgomery Street, Suite 2000
San Francisco, California 94111-6538
Tel: +1.415.391.0600 Fax: +1.415.395.8095
www.lw.com

LATHAM & WATKINS LLP

FIRM / AFFILIATE OFFICES

Abu Dhabi	Munich
Barcelona	New Jersey
Brussels	New York
Chicago	Orange County
Doha	Paris
Dubai	Rome
Frankfurt	San Diego
Hamburg	San Francisco
Hong Kong	Shanghai
London	Silicon Valley
Los Angeles	Singapore
Madrid	Tokyo
Milan	Washington, D.C.
Moscow	

July 8, 2009

VIA EMAIL AND FEDERAL EXPRESS

Fred von Lohmann
Electronic Frontier Foundation
454 Shotwell Street
San Francisco, CA 94110

Re: *Odioworks v. Apple*, N.D. Cal. Case No. C 09-1818

Dear Fred:

I write to notify you that Apple Inc. is withdrawing its takedown notifications, issued to OdioWorks LLC in November, 2008 pursuant to the Digital Millennium Copyright Act (“DMCA”), regarding the “iTunesDB Pages” published on OdioWorks’ BluWiki website.

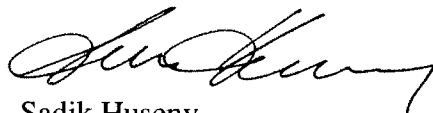
As you know, Apple’s objection about the “iTunesDB Pages” (as referenced in your complaint in this matter), sent to OdioWorks over seven months ago, centered on the publication of certain Apple code on those Pages. Since that time, Apple has stopped utilizing the code in question, rendering the code obsolete for the purposes at issue in this action. Publishing that code is no longer of any harm or benefit to anyone.

Given this change of circumstances, Apple no longer has, nor will it have in the future, any objection to the publication of the iTunesDB Pages which are the subject of the OdioWorks complaint. Apple therefore withdraws the notifications issued to OdioWorks under the DMCA regarding the iTunesDB Pages.

In light of Apple’s withdrawal of the takedown notifications, there is no remaining live or potential controversy between Apple and OdioWorks. Accordingly, I will call you shortly to discuss how best to terminate OdioWorks’ declaratory relief action.

I look forward to speaking with you soon.

Sincerely,



Sadik Huseny
of LATHAM & WATKINS LLP